

The Gazette of India



PUBLISHED BY AUTHORITY

No. 51] NEW DELHI, SATURDAY, DECEMBER 18, 1954

NOTICE

The undermentioned *Gazettes of India Extraordinary* were published upto the 17th December 1954 :—

Issue No.	No. and date	Issued by	Subject
287	S.R.O. 3535, dated the 17th November 1954.	Election Commission, India.	Election Petition No. 9 of 1954.
288	S.R.O. 3536, dated the 6th December 1954.	Ministry of Food and Agriculture.	Amendment made in the Coarse Grains (Removal of Control) Order, 1954.
289	S.R.O. 3537, dated the 16th November 1954.	Election Commission, India.	Election Petition No. 10 of 1953
290	S.R.O. 3557, dated the 10th December 1954.	Ditto.	Civil Appeal No. 53 of 1954.
291	S.R.O. 3558, dated the 7th December 1954.	Ditto	Amendment made in the notification No. 56/2/53-1, dated the 6th February 1953.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II. Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 9th December 1954

S.R.O. 3561.—In pursuance of clause (a) of section 10 of the Industrial Finance Corporation Act, 1948 (XV of 1948), the Central Government hereby nominates Shri G. D. Ambekar as a Director of the Industrial Finance Corporation of

India and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance, No. F.9(15)-F.I/49, dated the 30th June, 1949, namely:—

In the said notification for the entry relating to Shri Khandubhai K. Desai, the following entry shall be substituted, namely:—

“3. Shri G. D. Ambekar”.

[No. F.2(42)-F.III/54.]

K. P. BISWAS, Under Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

CENTRAL EXCISES

New Delhi, the 8th December 1954

S.R.O. 3562.—In exercise of the powers conferred by sub-section (1) of section 14 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government hereby empowers for the purposes of the said section, all Inspecting Officers of the Directorate of Inspection, Customs and Central Excise, who have been invested with the powers of a Central Excise Officer under section 14 of the said Act by the Central Board of Revenue in its notification No. 15-Central Excises, dated the 5th July 1947.

[No. 50.]

W. SALDANHA, Dy. Secy.

CUSTOMS

New Delhi, the 18th December 1954

S.R.O. 3563.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that a drawback shall be allowed in accordance with, and subject to, the provisions of the said section and any rules made thereunder in respect of all duty-paid plastic moulding powders used in the manufacture of plastic goods, where such goods are manufactured in, and exported from, India or shipped as stores on board a ship proceeding to a foreign port.

[No. 163.]

S.R.O. 3564.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section, namely:—

RULES

1. **Short title.**—These rules may be called the Customs Duties Drawback (Plastic Goods) Rules, 1954.

2. **Definitions.**—In these rules, unless the context otherwise requires—

(a) ‘the Act’ means the Sea Customs Act, 1878 (VIII of 1878);

(b) ‘moulding powder’ means polystyrene moulding powder;

(c) ‘plastic goods’ means—

(i) all articles or any single article of any description, or

(ii) all component parts or a single component part of such articles or article,

which are or each of which is, manufactured in India wholly from the moulding powder;

(d) ‘section’ means a section of the Act.

3. **Goods in respect of which drawback may be paid.**—Subject to the provisions of the Act and these rules, a drawback shall be allowed in the case of plastic goods manufactured in, and exported from, India or shipped as stores for use on board a ship proceeding to a foreign port, in respect of the moulding powder used in the manufacture of such goods.

4. Period for which drawback admissible.—A drawback under these rules shall be admissible for the period during which a notification in respect of the plastic goods is in force under sub-section (1) of section 43B.

5. Manner of allowing drawback.—A drawback shall be allowed on the shipment of the plastic goods subject to the following conditions, namely:—

(a) the shipper of the plastic goods shall make a declaration on the relative shipping bill to the effect—

(i) that a claim for a drawback under section 43B is being made, and

(ii) that to the best of his knowledge and belief, the plastic goods in respect of which the drawback is being claimed have been manufactured wholly from the moulding powder;

(b) the shipper shall, in the shipping bill, furnish, in addition to the information required under section 29, such additional information as may, in the opinion of the Customs Collector, be necessary for the purpose of verifying the claim for the drawback, and in particular, the Customs Collector may require such additional information in respect of the following matters, namely:—

(i) the description of the plastic goods,

(ii) if the goods be not wholly plastic, the specific component or components of the article to which the claim relates,

(iii) the particulars of any brand or trade mark attached to the plastic goods,

(iv) gross and net weights of the plastic goods, including the net weight of the specific component or components where the goods are not wholly plastic.

6. Rate of drawback.—Where the Customs Collector is satisfied that a claim for a drawback is established under these rules, such drawback shall be paid at the rate of seven annas per pound of plastic goods shipped.

7. Powers of Customs Collectors.—For the purposes of enforcing these rules the Customs Collector may:—

(a) require any person who has been concerned at any stage with the manufacture of the plastic goods to produce any books of accounts or other documents of whatever nature relating to the moulding powder used in the manufacture of such goods;

(b) require the production of such certificate, documents and other papers in support of each claim for a drawback as may be deemed necessary.

8. Access to manufactory.—The manufacturer of the plastic goods in respect of which a drawback is claimed shall give access to every part of his factory to any officer of the Central Government specifically authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority to enable the officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of a claim for a drawback by such manufacturer.

[No. 164.]

S.R.O. 3565.—The following draft of certain amendments in the Customs Duties Drawback (Plastic Goods) Rules, 1954, published with the notification of the Government of India in the Ministry of Finance (Revenue Division), No. 164-Customs, dated the 18th December 1954, which the Central Government proposes to make in exercise of the powers conferred by section 43B of the Sea Customs Act, 1878 (VIII of 1878), is published, as required by sub-section (3) of the said section, for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after ten days from the date of publication of this notification in the official Gazette.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the expiry of the period of time specified will be considered by the Central Government.

Amendments

In the said Rules—

(1) in rule 2—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) ‘moulding powder’ means any of the following moulding powders, that is to say—

- (i) polystyrene moulding powder,
- (ii) cellulose acetate moulding powder,
- (iii) cellulose acetate butyrate moulding powder, or
- (iv) urea formaldehyde moulding powder,

if imported into India on payment of a duty of customs;” and

(ii) for clause (c), the following clause shall be substituted, namely:—

“(c) ‘plastic goods’ means—

- (i) all articles or any single article of any description, or
- (ii) all component parts or a single component part of such articles or article,

which are, or each of which is, manufactured in India wholly from any one, and not more than one, of the varieties of the moulding powder within the meaning of clause (b) of this rule”;

(2) in rule (5)—

for sub-clause (ii) of clause (a), the following sub-clause shall be substituted, namely:—

“(ii) that to the best of his knowledge and belief, the plastic goods in respect of which the drawback is being claimed has been manufactured wholly from anyone, but not more than one, of the varieties of the moulding powder”;

(3) for rule 6, the following rule shall be substituted, namely:—

“Rate of drawback.—Where the Customs Collector is satisfied that a claim for a drawback is established under these rules, such drawback shall be paid at the rates specified below, namely:—

<i>Variety of moulding power.</i>	<i>Rate of drawback per each pound of plastic goods shipped</i>
(1) Polystyrene moulding powder	seven annas;
(2) Cellulose acetate moulding powder	four annas and eleven pies;
(3) Cellulose acetate butyrate moulding powder	four annas and four and half pies;
(4) Urea formaldehyde moulding powder	five annas and two pies.

Provided that where it is established to the satisfaction of the Chief Customs Officer that a shipper is entitled to a higher rate of drawback per pound of the plastic goods of cellulose acetate or cellulose acetate butyrate entered for export on the basis of the seven-eighth of the amount of duty paid on cellulose acetate or cellulose acetate butyrate moulding powder used in the manufacture of such goods, a drawback at such higher rate may be allowed by the Chief Customs Officer”.

[No. 165.]

S.R.O. 3566.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 43B of the Sea Customs Act, 1878 (VIII of 1878), is published as required by sub-section (3) of section 43B of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after the expiry of the period of one month from the date of this notification.

Any objection or suggestion which may be received from any person with respect to the said draft within the said period will be considered by the Government of India in the Ministry of Finance (Revenue Division).

DRAFT RULES

1. **Short Title.**—These rules may be called the Customs Duties Drawback (Nitrous Oxide) Rules, 1954.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) 'the Act' means the Sea Customs Act, 1878 (VIII of 1878);
- (b) 'ammonium nitrate' means ammonium nitrate of foreign origin imported on payment of duty;
- (c) 'nitrous oxide' means chemically pure nitrous oxide manufactured in India from ammonium nitrate;
- (d) 'quarter' means a period of three months beginning with the first day of January, the first day of April, the first day of July, or the first day of October;
- (e) 'registered manufacturer' means a manufacturer of nitrous oxide registered under rule 5; and
- (f) 'section' means a section of the Act.

3. **Goods in respect of which drawback may be paid.**—Subject to the provisions of the Act and these rules, a drawback shall be allowed in respect of ammonium nitrate used by a registered manufacturer in the manufacture of nitrous oxide (hereinafter referred to as "the goods") and exported out of India.

4. **Period for which drawback permissible.**—A drawback under these rules shall be admissible for the period during which a notification in respect of the goods is in force under sub-section (1) of section 43B.

5. **Registration of manufacturers.**—(1) A drawback admissible under these rules shall apply only in respect of the goods manufactured by a person registered under, and for the purposes of these rules by a Chief Customs Officer, authorised in this behalf by the Chief Customs Authority (hereinafter referred to as the authorised Chief Customs Officer).

(2) An application for registration shall be made by a manufacturer of the goods to the authorised Chief Customs Officer furnishing particulars of the grades, if any, of the goods manufactured by him and such other particulars as the Customs Collector may require for the purpose of these rules.

(3) The authorised Chief Customs Officer may, if he is satisfied that the provisions of these rules have been complied with, register the applicant as a manufacturer under, and for the purpose of these rules.

6. **Rate of drawback.**—(1) Where the Customs Collector is satisfied that the claim for a drawback is established under these rules, such drawback shall be paid at the rate indicated hereunder.

(2) The rate of drawback of duty admissible for every one hundred pounds of the goods shipped under claim for a drawback under these rules shall be seven-eighths of the average amount of customs duty paid on two hundred and forty-two pounds of ammonium nitrate, at the rate of duty applicable to ammonium nitrate of the United Kingdom origin.

(3) Such rate shall be determined by the authorised Chief Customs Officer at the beginning of every quarter on the basis of the particulars furnished by the registered manufacturer under sub-rule (2) of rule 5 and verified by a Customs Officer, of the average value of ammonium nitrate imported during the six months immediately preceding such quarter or such longer period as the Customs Collector may deem necessary, and the duty payable thereon at the rate applicable to ammonium nitrate of the United Kingdom origin.

(4) The rate of drawback, as determined under sub-rule (3), shall be in force for the quarter mentioned therein and shall apply to shipments made during such quarter from any port in India.

(7) **Manner of allowing drawback.**—A drawback shall be allowed on the shipment of the goods from any port in India subject to the following conditions, namely:—

(a) the registered manufacturer shall make a declaration on the relative shipping bill that a claim for a drawback under section 43B is being made;

(b) the registered manufacturer shall, in the shipping bill, furnish, in addition to the particulars required under section 29, such additional particulars as may, in the opinion of the Customs Collector, be necessary for the purpose of

verifying the claim for the drawback and in particular the Customs Collector may require additional particulars in respect of the following matters, namely:—

- (i) the different types and sizes of containers in which nitrous oxide is proposed to be shipped and the number of containers in each such type and size, and
- (ii) the gross and net weights of, and where necessary, the quantity in gallons and the pressure under which nitrous oxide is packed in each such type and size.

8. Return to be furnished by the registered manufacturer.—(1) A registered manufacturer shall, at the beginning of each quarter furnish, in respect of the quarter last preceding, a return in the Form annexed to these rules,

(2) For the purpose of verifying the return under sub-rule (1), the Customs Collector may scrutinise manufacturing accounts, vouchers, stock registers and such other documents in the possession of the registered manufacturer as he may consider fit and check actual stocks and the registered manufacturer shall be bound to afford all reasonable facilities to the Customs Collector and furnish such information or such explanation as the Customs Collector may require.

(3) The Customs Collector may withhold the payment of any claim for drawback arising during any quarter until such time as the return for that quarter has been furnished and verified as provided in this rule.

9. Powers of Customs Collector.—For the purposes of enforcing these rules, the authorised Chief Customs Officer or the Customs Collector may require—

- (a) a registered manufacturer to produce any books of accounts or other documents of whatever nature relating to the proportion and quantity of ammonium nitrate used in the manufacture of the goods, and to the value and duty paid on such ammonium nitrate, and
- (b) the production of such certificates, documents and other evidence in support of each claim for drawback as may be necessary.

10. Access to manufactory.—A registered manufacturer of goods in respect of which a drawback is claimed shall be bound to give access to every part of his manufactory to an officer of the Central Government specially authorised in this behalf by the authorised Chief Customs Officer to enable such authorised officer to inspect the processes of manufacture and to verify by actual check or otherwise the particulars furnished by such registered manufacturer in support of his claim for the drawback.

FORM

Quarterly return to be furnished by a registered manufacturer

[See Rule 8(1)]

Return for the quarter ending.....

Ammonium nitrate:

- (i) Stock at the beginning of the quarter.
- (ii) Imports during the quarter, giving quantities imported against individual bills of entry with Bill of entry No. and date.
- (iii) Total of (i) and (ii).
- (iv) Consumption during the quarter in manufacture of nitrous oxide.
- (v) Balance in stock at the end of the quarter, that is (iii) minus (iv).

Explanation for discrepancy, if any, between the actual stock and the figure in (v) above.

Nitrous oxide:

- (i) Stock at the beginning of the quarter.
- (ii) Production during the quarter.
- (iii) Total of (i) and (ii).
- (iv) Quantity sold in India during the quarter.
- (v) Quantity exported during the quarter.

(vi) Total of (iv) and (v).

(vii) Balance in stock at the end of the quarter.

Explanation for discrepancy, if any, between actual stock at the end of the quarter and the figure in (vii) above.

Regd. No.....

Station:

Custom House Ref. No.....

Date:

Forwarded to the Assistant Collector of Customs for appraisement, Custom House,

Registered Manufacturer.

[No. 166.]

S.R.O. 3567.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 43B of the Sea Customs Act, 1878 (VIII of 1878), is published, as required by sub-section (3) of section 43B of the said Act, for the information of persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after the expiry of a period of one month from the date of publication of this notification in the Official Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft before the expiry of the said period will be considered by the Central Government.

DRAFT RULES

1. Short title.—These rules may be called the Customs Duties Drawback (Cycles) Rules, 1954.

2. Definitions.—In these rules, unless the context otherwise requires—

- (a) 'the Act' means the Sea Customs Act, 1878 (VIII of 1878);
- (b) 'cycle' means a bicycle intended for the use of a man, woman or a juvenile and includes a tandem bicycle or a bicycle of any other model, manufactured or assembled in India by a registered manufacturer, and in the manufacture or assembly of which all or any of the imported materials have been used;
- (c) 'imported materials' means—
 - (i) free-wheels, chains and spokes for bicycles bearing an indication of their foreign origin and imported into India by a registered manufacturer on payment of customs duty, and
 - (ii) seamless steel tubes, bright steel strips and bright steel bars imported into India on payment of customs duty by a registered manufacturer and shaped cut, or threaded or otherwise manipulated by him to form components or parts for the manufacture of cycles;
- (d) 'quarter' means a period of three months beginning with the first day of January, the first day of April, the first day of July or the first day of October;
- (e) 'registered manufacturer' means a manufacturer or assembler of cycles who has been registered under rule 5 for the purposes of these rules; and
- (f) 'section' means a section of the Act.

3. Goods in respect of which drawback may be allowed.—Subject to the provisions of the Act and these rules, a drawback shall be allowed in the case of every cycle manufactured or assembled in, and exported from, India (hereinafter referred to as the goods) in respect of all or any of the imported materials used in the manufacture or assembly of such cycles.

4. Period for which drawback permissible.—A drawback under these rules shall be admissible for the period during which a notification in respect of the goods specified under rule 3 is in force under sub-section (1) of section 43B.

5. Registration of manufacturers.—(1) For the purposes of these rules, a drawback shall be admissible only in respect of cycles manufactured or assembled by a person registered under these rules by a Chief Customs Officer authorised in this behalf by the Chief Customs Authority (hereinafter referred to as the authorised Chief Customs Officer).

(2) Any application for registration shall be made by a manufacturer or assembler of cycles to the authorised Chief Customs Officer furnishing such particulars of the types or varieties, if any, and any other specifications of cycles in respect of which registration is desired, as the said officer may require for the purposes of these rules.

(3) The authorised Chief Customs Officer may, if he is satisfied that the provisions of these rules have been complied with, register the applicant as a registered manufacturer.

(4) Subsequent to such registration, a registered manufacturer shall not vary the composition, that is, the unit or units, or quantity, of the different imported materials used in the manufacture or assembly of each type or variety of cycle in respect of which he is registered, except with the prior approval of the authorised Chief Customs Officer.

(5) Any variation of the composition in contravention of the provisions of the foregoing sub-rule shall render the registration of the manufacturer liable to cancellation without prejudice to any other penalty to which the registered manufacturer may be liable under the Act.

6. Rate of drawback.—(1) Where the Customs Collector is satisfied that a claim for a drawback is established under these rules, such drawback shall be paid at the rate indicated hereinunder.

(2) The rate of drawback of duty for every cycle admissible under these rules shall be seven-eighths of the average duty paid on the imported materials actually used in the manufacture or the assembly of the cycle shipped.

(3) Such rate shall be determined by the authorised Chief Customs Officer, during every quarter in respect of each variety of cycle manufactured or assembled by a registered manufacturer, on the basis of statements furnished by such registered manufacturer and verified by a Customs Officer of the value of the imported materials imported during the preceding six months or such longer period as the Customs Collector may deem necessary, the quantity of the different imported materials actually used in the manufacture or assembly of one unit of each type of cycle, and the Customs duty paid thereon.

(4) Such rate of drawback shall be in force only for the quarter in which it has been determined and shall apply to all shipments of the goods made during that quarter from any port in India.

7. Manner of allowing drawback.—(1) A drawback shall be allowed on the shipment of the goods subject to the following conditions, namely:—

(a) the shipper of the goods shall make a declaration on the relative shipping bill:—

- (i) that a claim for the drawback under section 43B is being made, and
- (ii) that to the best of his knowledge and belief, the unit or units or the quantity of different imported materials used in the manufacture or assembly of each type of the goods have not been altered subsequent to the registration of the manufacturer except under and in accordance with, the provisions of sub-rule (4) of rule 5.

(b) The shipper shall, in the shipping bill, furnish, in addition to the particulars required under section 29, such additional particulars as may, in the opinion of the Customs Collector, be necessary for the purposes of these rules, and in particular, the Customs Collector may require such additional information in respect of the following matters, namely:—

- (i) the description of the goods,
- (ii) the name of the registered manufacturer, his registration number and the name of the Chief Customs Officer by whom he has been registered,
- (iii) the particulars of any brand or trade mark attached to the cycle,
- (iv) specification, if any, of the imported components.

(2) No drawback shall be allowed on any of the imported materials mentioned in rule 2(c)(i), unless, at the time of the shipment, the clear indication thereon of foreign origin could be verified to the satisfaction of the Officer of Customs.

8. Powers of Customs Collector.—For the purposes of enforcing these rules, the Chief Customs Officer or the Customs Collector may—

- (a) require a registered manufacturer to produce any books of accounts or other documents of whatever nature relating to the use of the imported materials in the manufacture or assembly of the goods,
- (b) require the production of such certificate, documents or other evidence in respect of each claim for the drawback as may be necessary.

9. Access to manufactory.—A registered manufacturer of the goods in respect of which a drawback is claimed shall give access to every part of his manufactory or assembly plant to an officer of the Central Government specially authorised in this behalf by the authorised Chief Customs Officer to enable him to inspect the processes of manufacture or production and to verify by actual check or otherwise the statements made in support of the claim for drawback.

[No. 167.]

JASJIT SINGH, Dy. Secy.

ORDER

STAMPS

New Delhi, the 2nd December 1954

S.R.O. 3568.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamps Act, 1899 (II of 1899), the Central Government hereby remits the whole of the stamp duty chargeable under the said Act on the lease deed, dated the 6th July 1954, executed in favour of the High Commissioner in India for United Kingdom in respect of the premises known as ground floor 33, Golf Links Road, New Delhi.

[No. 18.]

New Delhi, the 10th December 1954

S.R.O. 3569.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits retrospectively the whole of the stamp duty chargeable under the said Act on the lease deed, dated the 30th March 1953, executed in favour of the Japanese Embassy in respect of a plot of land measuring 5.998 acres in Chanakya Puri (Diplomatic Enclave), New Delhi.

[No. 19.]

S.R.O. 3570.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits retrospectively the whole of the stamp duty chargeable under the said Act, on the lease deed, dated the 3rd November 1953, executed in favour of the Australian High Commission in respect of a plot of land measuring 11.88 acres in the Diplomatic Enclave, New Delhi.

[No. 20.]

M. G. MATHUR, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 10th December 1954

S.R.O. 3571.—In exercise of the powers conferred by Section 5 of the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 (XII of 1953), the Central Government hereby directs that the following amendments shall be made in the Khadi and Other Handloom Industries Development Rules, published with the notification of the Government of India, in the

Ministry of Commerce and Industry, S.R.O. No. 704, dated the 27th February 1954, namely:—

In rule 3 of the said Rules—

(a) For sub-rule (1) of rule 3, the following shall be substituted, namely:—

“(1) The proceeds of the duty of excise levied under the Act, (all of which shall initially be credited to the Consolidated Fund of India under Major Head ‘II—Union Excise Duties’) reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be transferred to a Fund, called ‘The Fund for the Development of Handloom and Khadi Industries’, hereinafter referred to as ‘the Fund’, opened under Section P—Deposits and Advances—Part II Deposits not bearing interest—(B) Reserve Funds.”

(b) In sub-rule (2) of rule 3, for the words ‘Deduct recoveries from the Fund for the Development of Handloom and Khadi Industries’, the words ‘Deduct—Amount met from the Fund for the Development of Handloom and Khadi Industries’ shall be substituted.

(c) In sub-rule (3) of rule 3—

(i) the words ‘expenditure in the nature of’ shall be deleted; and

(ii) after the letter and words ‘Q—Loans and Advances—Loans and Advances by the Central Government’, the words ‘charged or voted as the case may be’ shall be inserted.

(d) In sub-rule (5) of rule 3, for the words ‘in the annual appropriation Bill’, the figures, words and letter ‘in the demands relating “43-Industries and Supplies” or “Q—Loans and Advances”, as the case may be, and presented to Parliament, the subsequent recovery being dealt with as indicated in the previous subparagraphs’ shall be substituted.

[No. 48(25)-CT(A)/53.]

P. V. S. SARMA, Under Secy.

New Delhi, the 13th December 1954

S.R.O. 3572.—In exercise of the powers conferred by sub-clause (a) of clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notifications of the Government of India in the Ministry of Commerce and Industry Nos. S.R.O. 3294-SC(A)-4(216)/54, and S.R.O. 3296-SC(A)-4(216)/54-B, dated the 19th October, 1954, published in the Gazette of India Part II—Section 3, dated the 30th October, 1954, namely:—

The entry ‘Assistant Food Controller, Ferozepore’ shall be inserted after the entry ‘Assistant Food Controller, Kangra’ occurring in the abovesaid Notifications.

[No. SC(A)-4(216)/54.]

S.R.O. 3573.—In exercise of the powers conferred by sub-clause (b) of clause 2 of the Iron and Steel (Scrap Control) Order, 1943, the Central Government is pleased to direct that the following amendment shall be made in the Notifications of the Government of India in the Ministry of Commerce and Industry Nos. S.R.O. 3295-SC(A)-4(216)/54-A and S.R.O. 3297-SC(A)-4(216)/54-C, dated the 19th October 1954, published in the Gazette of India Part II—Section 3, dated the 30th October 1954, namely:—

The entry ‘Assistant Food Controller, Ferozepore’ shall be inserted after the entry ‘Assistant Food Controller, Kangra’ occurring in the abovesaid Notifications.

[No. SC(A)-4(216)/54-A.]

D. HEJMADI, Under Secy.

COFFEE CONTROL

New Delhi, the 14th December 1954

S.R.O. 3574.—In exercise of the powers conferred by section 48 of the Coffee Market Expansion Act, 1942 (VII of 1942), the Central Government hereby directs that the following further amendment shall be made in the Coffee Market Expansion Rules, 1940, namely:—

In sub-rule (1) of rule 6 of the said rules for the words "four and a half years", the words "four years and nine months" shall be substituted.

[No. 13(4)Plant/54.]

R. N. KAPUR, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 13th December 1954

S.R.O. 3575.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1933 (XXVII of 1933), the Central Government hereby nominates with effect from the 16th December, 1954, Dr. B. C. Das Gupta, M.B., F.R.C.P., D.T.M. & H., D.P.H., Director of Health Services, West Bengal, as a member of the Medical Council of India.

[No. F.5-28/54-M.]

BABU RAM, Under Secy.

New Delhi, the 13th December 1954

S.R.O. 3576.—The following draft of certain further amendments in the Drugs Rules 1945, which it is proposed to make after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said sections, for the information of persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after the 18th March, 1955.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In Schedule F appended to the said Rules, for section (B) in Part I, the following section shall be substituted, namely:—

"(B) Provisions Applicable to the production of Vaccine Lymph (Vaccinia Vaccine).

1. **Definition and Proper Name.**—Vaccine Lymph is a preparation of the vaccinal material obtained from the vesicles produced on the skin of healthy animals by inoculation of vaccinia virus. Its proper name is "Vaccine Lymph".

2. **Staff of Establishment.**—(1) The establishment in which vaccine lymph is prepared must be under the complete direction and control of a competent expert, who must be assisted by a staff adequate for carrying out the operations and tests required during the preparation of the vaccine lymph and in connection with the finished product.

(2) The entire responsibility for the production, storage, testing and issue of safe, potent and reasonably pure vaccine lymph rests upon the competent expert.

3. **Condition and Housing of Animals.**—(1) The animals used in the production of vaccine lymph must be housed in hygienic conditions in premises satisfactory for this purpose.

(2) Only healthy animals may be used in the production of vaccine lymph. Each animal intended to be used as a source of vaccine lymph must, before being passed for the production of vaccine lymph, be subjected to a period of observation in quarantine for at least seven days. During the period of quarantine the animal must remain free from any sign of disease and must be thoroughly cleaned and groomed.

4. **Precautions to be observed in Preparation.**—(1) A special room, with impervious walls and floor, which can be washed and, when necessary, chemically

disinfected, must be provided for the inoculation of the animals and the collection of the vaccinal material.

(2) The inoculation shall be made on such parts of the animal as are not liable to be soiled by the passage of faeces. The surface used for inoculation shall be shaved and so cleaned as to procure the nearest possible approach to asepsis. Prior to the collection of vaccinal material the inoculated area of the skin shall be cleaned in a similar fashion.

(3) (a) Immediately before the vaccinal material is collected, the animal should be killed. Subsequently, a thorough post-mortem examination of the carcass shall be made by a qualified expert. A complete record of each such examination shall be kept and shall be open to inspection by or on behalf of the licensing authority at any time. If the examination reveals any conditions which indicate or suggest that the animal was suffering from any communicable disease (other than vaccinia) the lymph obtained from that animal shall not be issued; or

(b) When lymph is collected from a living animal each such animal shall be kept under observation for a period of at least forty-eight hours after collection of lymph. If during this period the examination reveals any conditions which indicate or suggest that the animal is suffering from any infection other than vaccinia the lymph obtained from that animal shall not be issued.

(4) All instruments and appliances used in the production of vaccine lymph shall be previously subjected to an effective process of sterilization.

(5) Laboratories in which vaccinal material, after removal from the animal is being manufactured into lymph must be housed in a building separated from stables of animal houses by a reasonable distance. Such laboratories must have impervious walls and floors and must be capable of being readily disinfected when necessary.

(6) All processes concerned with the manufacture of vaccine lymph must be carried out with thorough aseptic precautions.

(7) All vaccinal material must be subjected after collection to such treatment with glycerol or other partial disinfectants as will bring the content of bacteria and other extraneous micro-organisms of the lymph within the limit prescribed in paragraph 7 of this part of this Schedule.

(8) (a) From the very time the vaccinal material is collected it shall be kept continuously in cold storage at a temperature below 0°C ., excepting when it is being subjected to some essential manufacturing process like grinding or treatment with glycerol or other partial disinfectants necessary to bring down the number of micro-organisms to the prescribed limit.

(b) When the procedures necessary to bring the content of bacteria and other extraneous micro-organisms within the prescribed limit have been completed, the vaccine lymph shall be kept continuously in cold storage at a temperature below 0°C ., until it is withdrawn to be filled into containers for issue, after which process the filled containers shall immediately be returned to cold storage and kept continuously at a temperature below 0°C ., until required for issue:

Provided that it shall be permissible to remove vaccine lymph from one such cold store to another, if adequate precautions are taken during such removal to guard against deterioration.

(c) A four-hourly record of daily temperature of the cold room during day time shall be maintained for inspection.

5. Containers.—Vaccine lymph for issue shall be introduced with aseptic precautions either—

(a) in the previously sterilized capillary glass tubes in which case each tube shall then be hermetically sealed at each end. Each tube shall contain a quantity of vaccine lymph suitable for the effective vaccination of one human subject; or

(b) into tubes or containers of large dimensions which have been sterilized before the introduction of the lymph and sealed so as to preclude the access of bacteria.

6. Labelling.—(1) The label on the container or a label or wrapper affixed to the package to which the container is issued for sale, shall bear a statement that the potency of the vaccine lymph cannot be assured for more than seven days from the date of completion of manufacture, unless the lymph is kept continuously at a temperature below 10°C ., when the potency can be assured for fourteen days: Provided that it shall be permissible to state that if the lymph

is kept continuously below 0°C., the potency can be assured for at least six months.

(2) For the purpose of Rule 109(3)(b) the date on which the manufacture of the batch is completed shall be the date on which the vaccine lymph is removed for issue from cold storage after having been kept continuously at a temperature below 0°C., since the date of filling into containers for issue. „

7. Tests for Purity.—(1) The vaccinal material shall be exposed to the action of glycerol or other partial disinfectant under suitable conditions of temperature until tests made by means of plate cultures have shown that the total number of living bacteria or other extraneous micro-organism has been reduced to not more than 20 in 1 milligram, or 20,000 in 1 c. c. of the vaccine lymph. The results of these tests shall be recorded and the records kept for inspection. The determination of the content of the living micro-organisms in the vaccine lymph shall be made in a manner approved by the licensing authority and the enumeration of colonies shall be made after incubation for two days at approximately 37°C., and then for at least three days at approximately 20°C.

(2) (a) Tests for the detection of *B. anthracis*, *Cl. tetani*, *Streptococcus haemolyticus*, *B. coli* or any other pathogen which may prove harmful if introduced into the body by the process of vaccination shall be performed in a manner approved by the licensing authority and a record kept for inspection.

(b) If *B. anthracis*, *Cl. tetani* or *Streptococcus haemolyticus* is found to be present in the vaccine lymph at any stage of its preparation, either before or after the prescribed reduction in the number of living micro-organisms has been effected, the batch of lymph shall be rejected forthwith. But if *B. coli* or any other pathogen is found which may prove harmful if introduced into the body by the process of vaccination, the lymph must be kept in cold storage till an examination of at least 10 milligrams or 0.1 c.c. of the dymph fails to reveal its presence.

(c) The test for the detection of various harmful organisms in vaccine lymph shall be performed both at the initial and final stages of its preparation irrespective of the fact whether the number of micro-organisms present therewith are more or less than the prescribed limit.

(3) When the prescribed reduction in the number of living micro-organisms has been effected, the batch of vaccine lymph may be issued if—

- (a) tests carried out in a manner approved by the licensing authority on a sample not less than 10 milligrams or 0.01 c.c. have failed to reveal the presence of *B. anthracis*; and
- (b) tests carried out in a manner approved by the licensing authority or a sample of not less than 0.1 per cent. of the batch have failed to reveal the presence of *Cl. tetani*; and
- (c) tests carried out after the process of purifications have been completed on a sample of not less than 10 milligrams or 0.1 c.c. have failed to reveal the presence of beta haemolytic streptococci; and
- (d) tests carried out in a manner approved by the licensing authority on a sample in which not less than 3 c.c. of lymph is injected under the skin or in the peritoneal cavity of a healthy guinea-pig or 5 c.c. under the skin or in peritoneal cavity of a rabbit and/or 0.5 c.c. under the skin of a healthy mouse fails to produce serious symptoms or death of the animal.

8. Tests for Potency.—(1) Each batch of vaccine lymph, after the process of purification has been completed, shall be tested for potency so as to ensure its activity at the time of issue. These tests shall be applied not more than three months before the batch of lymph is finally issued.

(2) For the purpose of a test for potency a dilution shall be prepared by mixing 1 volume of the lymph with 1,000 volumes of physiological saline solution, or other suitable diluent. The dilution shall be used for the test without filtration.

(3) Such dilution of the vaccine lymph shall be tested by application to the suitably prepared skin of a rabbit and the batch of vaccine lymph from which the dilution was prepared shall not be issued unless the lesions characteristic of vaccinia are produced in a susceptible animal. For the purpose of comparison a similar dilution of lymph of known potency shall be applied simultaneously

to the skin of the same animal: Provided that the licensing authority may approve any other form of comparative test for potency which may be submitted to the licensing authority for approval".

[No. DR/Sch.F/F.1-18/50-DS.]

KRISHNA BIHARI, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 9th December 1954

S.R.O. 3577.—In pursuance of the provisions of Sub-Section (t) of Section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the Central Government hereby nominates Shri K. S. Krishnaswamy, Joint Secretary, Ministry of Finance, Government of India, as a member of the Indian Oilseeds Committee vice Shri R. Narayanaswami resigned.

[No. F.5-73/53-Com-I.]

F. C. GERA, Under Secy.

(Agriculture)

New Delhi, the 10th December 1954

S.R.O. 3578.—The following draft of the Kanchan (Bathua) Mangoes Grading and Marking Rules, 1954, which it is proposed to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 1st January 1955.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

1. *Short title and application.*—(1) These rules may be called the Kanchan (Bathua) Mangoes Grading and Marking Rules, 1954.

(2) They shall apply to Kanchan (Bathua) mangoes produced in India.

Explanation.—In this rule and the remaining rules, "India" does not include the State of Jammu & Kashmir.

2. *Grade designations.*—The Grade designations to indicate the quality of Kanchan (Bathua) mangoes produced in India are set out in column 1 of Schedule I.

3. *Definition of quality.*—The quality indicated by such grade designations is set out against such designations in columns 2 and 3 of Schedule I.

4. *Grade designation marks.*—The grade designation mark shall consist of a label bearing a design consisting of an outline map of India in conjunction with the word Agmark resembling that set out in Schedule II, specifying the grade designation and of the following colour:—

Grade designation	Colour of the label
Extra large	White
Large	Red
Medium	Black

In the case of Extra Large grade, the label shall be crossed with a white strip bearing the words "Extra Large" in blue.

5. *Method of marking.*—The grade designation mark label shall be securely affixed to each package of mangoes and shall clearly show the following particulars.

- (a) Variety—Kanchan (Bathua)
- (b) Number of fruits

- (c) Net weight
- (d) Name of packing station
- (e) Date of packing.

6. *Method of packing.*—(1) Containers may be either returnable or non-returnable. They shall be clean and suitable for the purpose. All containers shall be securely closed.

(2) Packing material shall be clean and dry.

(3) The mangoes in any container shall only be of Kanchan (Bathua) variety, of one grade, reasonably uniform and the top layer shall be representative of the entire contents of the package in respect of size, maturity, colour, shape and freedom from visible defects.

(4) Each fruit may be wrapped separately in a thin sheet of paper bearing the word Agmark or the name of the authorised packer or both.

SCHEDULE I

Grade designations and definition of quality of Kanchan (Bathua) variety of mangoes produced in India

Grade Designation	Definition of quality	
	Minimum weight*	General characteristics
(1)	(2)	(3)
	Tolas	
Extra Large	25	1. Each mango shall have reached a stage of maturity which will permit the subsequent completion of ripening in the ordinary course of transport and marketing.
Large	20	2. Each mango shall have developed the characteristic colour of the variety and all the fruits shall be reasonably uniform in colour throughout the pack.
Medium	15	3. Each mango shall have the shape normal to the variety and be free from malformation.
		4. Each mango shall be firm and reasonably developed and in good condition. Windfalls and shrivelled fruits shall not be packed.
		5. Each mango shall be free from the defects due to diseases or insects or mechanical injury affecting the keeping quality of the fruit.
		6. †Blemishes—not affecting keeping quality are permitted provided no single mark is larger than a quarter square inch in area.
		7. The stalk shall be removed close to the fruit but not pulled out

* A tolerance of 10 per cent. shall be allowed for accidental error in grading in respect of fruits which are below the limit of weight specified to the extent of $2\frac{1}{2}$ tolas.

† 'Blemishes' include marks due to fungus diseases, insect pests, hail-storm, spray, etc.

1. In the case of mangoes more than 25 tolas in weight the minimum weight at the packer's discretion may be appended to the grade name, e.g. Extra Large 30 tolas.

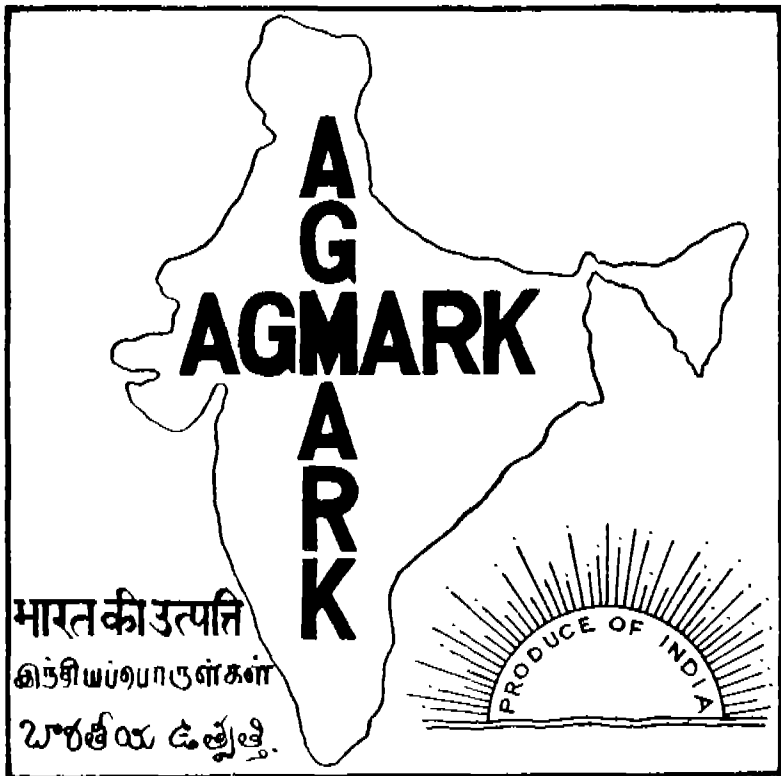
2. In respect of items referred to in column 3 a tolerance of 3 per cent. shall be allowed in any one package to cover accidental error in grading except the defects referred to in item 5 for which no tolerance shall be allowed.

SCHEDULE II

Grade designation mark for packages for mangoes

(See rule 4)

AGMARK MAP OF INDIA



[No. F.5-51/54-A.M.]

SWAMI DAYAL OBEROI, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 13th December 1954

S.R.O. 3579.—In exercise of the powers conferred by sub-section (2) of section 5 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled "Rails Into Laramie" and its Trailer produced by the Universal International Films Inc., U.S.A., shall be deemed to be uncertified films in the whole of India.

[No. 8/8/54-F.C.]

D. KRISHNA AYYAR, Under Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 3rd December, 1954

S.R.O. 3580.— In pursuance of the provisions of sub-rule (1) of rule 48 of Order XXI in the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908) the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Communications, No. 6-G (28)/48, dated the 29th June, 1949, namely:

For the Schedule annexed to the said notification, the following Scheduled shall be substituted,

THE SCHEDULE

PART I—GAZETTED OFFICERS

Office in which the judgment debtor is employed (1)	Authorities by whom notices of attachment will be received. (2)
A.—Secretariat	
Ministry of Communications, New Delhi . .	Accountant General, Central Revenue New Delhi.
B.—Posts and Telegraphs Department	
(a) Officers employed in the Calcutta Telephone Distr.	General Manager, Calcutta Telephone District Calcutta.
(b) Office of the Engineer-in-Chief, Calcutta Automatisation, Calcutta.	Engineer-in-Chief, Calcutta Automatisation, Calcutta.
(c) Office of the Senior Electrical Engineer, Calcutta.	Senior Electrical Engineer, Calcutta.
(d) Office of the General Manager, P. & T. Workshops, Calcutta.	General Manager, P. and T. Workshops, Calcutta.
(e) Office of the Chief Controller, Telegraph Stores, Calcutta.	Chief Controller, Telegraph Stores, Calcutta.
(f) Office of the Chief Accounts Officer, Telegraph Stores and Workshops, Calcutta.	Chief Accounts Officer, Telegraph Stores and Workshops, Calcutta.
(g) Officers other than those referred to at (a) to (f) and employed in the States of West Bengal and Tripura.	Postmaster-General, West Bengal Circle, Calcutta.
(h) Officers employed in the State of Assam .	Director of Posts and Telegraphs, Assam Circle, Shillong.
(i) Officers employed in the State of Orissa .	Director of Posts and Telegraphs, Orissa Circle, Cuttack.
(j) Officers employed in the State of Bihar .	Postmaster-General, Bihar Circle, Patna.
(k) Officers employed in the Bombay Telephone District.	General Manager, Bombay Telephone District, Bombay.
(l) Officers other than those referred to at (k) above and employed in the States of Bombay, Kutch and Saurashtra.	Postmaster-General, Bombay Circle, Bombay.
(m) Officers employed in the Madras Telephone District.	District Manager, Madras Telephone District, Madras.
(n) Postal Officers employed in the Hyderabad State.	Director of Postal Services, Hyderabad.
(o) Officers other than those referred to at (m) and (n) and employed in the States of Hyderabad, Travancore-Cochin, Coorg, Mysore and Madras.	Postmaster-General, Madras Circle, Madras.
(oo) Office of the A.O.T.R. (North) Delhi/(Central) Delhi/Nagpur.	A.O.T.R. (North) Delhi/(Central) Delhi/Nagpur.
(p) Office of the Additional Chief Engineer, T. & D. Circle, Jabalpur.	Additional Chief Engineer, T. and D. Circle, Jabalpur.
(q) Office of the Divisional Engineer, Telegraphs, P. & T. Training Centre, Jabalpur.	Divisional Engineer, Telegraphs, P. & T. Training Centre, Jabalpur.
(r) Officers other than those referred to at (oo) to (q) and employed in the States of Madhya Pradesh and Vindhya Pradesh.	Postmaster-General, Central Circle, Nagpur.
(s) Office of the Superintendent, Postal Seals, Aligarh.	Supdt., Postal Seals, Aligarh.

(1)

(2)

- (t) Officers other than those referred to at (s) above and employed in the State of Uttar Pradesh. Postmaster-General, Uttar Pradesh Circle, Lucknow.
- (u) Office of the Director-General, Posts and Telegraphs, New Delhi. Director-General, Posts and Telegraphs, New Delhi.
- (v) Officers employed in the Delhi Telephone District. District Manager, Delhi Telephone District, New Delhi.
- (w) Postal Officers other than those referred to at (u) above and employed in the State of Delhi. Director of Postal Services, Delhi.
- (x) Officers other than those referred to at (oo) and (u) to (u) and employed in the States of Delhi, Punjab, Himachal Pradesh and Pepsu. Postmaster-General, Punjab Circle, Ambala.
- (y) Officers employed in the State of Andhra. Director of Posts and Telegraphs, Andhra Circle, Kurnool.
- (z) Officers employed in the States of Rajasthan Ajmer, Marwar, Madhya Bharat and Bhopal. Director of Posts and Telegraphs, Rajasthan Circle, Jaipur.

C.—Civil Aviation Department

- Office of the Controller of Aerodromes, Delhi Region, New Delhi. Accountant General, Central Revenues, New Delhi.
- Office of the Aerodrome Officer, New Delhi. Accountant General, Central Revenues, New Delhi.
- Office of the Aerodrome Officer, Amritsar. Accountant General, Punjab, Simla.
- Office of the Aerodrome Officer, Palam Airport, Delhi Cantt. Accountant General, Central Revenues, New Delhi.
- Office of the Aerodrome Officer, Jaipur. Accountant General, Rajasthan, Jaipur.
- Office of the Aerodrome Officer, Bhopal. Accountant General, Madhya Pradesh, Nagpur.
- Office of the Aerodrome Officer, Barrackpore. Accountant General, West Bengal.
- Office of the Aerodrome Officer, Agartala. Accountant General, Assam, Shillong.
- Office of the Aerodrome Officer, Mangalore. Accountant General, Madras State, Madras.
- Office of the Aerodrome Officer, Mysore. Accountant General, Mysore.
- Office of the Aerodrome Officer, Trivandrum. Comptroller, Travancore & Cochin.
- Office of the Aerodrome Officer, Begumpet. Accountant General, Hyderabad.
- Office of the Electrical and Mechanical Officer, New Delhi. Accountant General, Central Revenues, New Delhi.
- Office of the Aerodrome Officer, Allahabad. Accountant General, Uttar Pradesh.
- Office of the Aerodrome Officer, Kanpur. Accountant General, Uttar Pradesh.
- Office of the Aerodrome Officer, Civil Aerodrome, Amausi, Lucknow. Accountant General, Uttar Pradesh.
- Office of the Aerodrome Officer, Benaras. Accountant General, Uttar Pradesh.
- Office of the Aerodrome Officer, Gaya. Accountant General, Bihar.
- Office of the Aerodrome Officer, Patna. Accountant General, Bihar.
- Office of the Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum. Accountant General, West Bengal.
- Office of the Aerodrome Officer, Calcutta Airport, Dum Dum. Accountant General, West Bengal.
- Office of the Controller of Aerodromes, Madras Region, Madras. Accountant General, Madras.
- Office of the Aerodrome Officer, Madras. Accountant General, Madras.
- Office of the Aerodrome Officer, Cochin. Comptroller, Travancore-Cochin.
- Office of the Aerodrome Officer, Coimbatore. Accountant General, Madras.
- Office of the Aerodrome Officer, Trichinopoly. Accountant General, Madras.
- Office of the Controller of Aerodromes, Bombay. Accountant General, Bombay.
- Office of the Aerodrome Officer, Santacruz, Bombay. Accountant General, Bombay.
- Office of the Aerodrome Officer, Juhu. Accountant General, Bombay.
- Office of the Aerodrome Officer, Civil Aerodrome, Ahmedabad. Accountant General, Bombay.
- Office of the Aerodrome Officer, Civil Aerodrome, Nagpur. Accountant General, Madhya Pradesh.
- Office of the Aerodrome Officer, Gauhati. Accountant General, Assam.
- Office of the Aerodrome Officer, Baghdogra. Accountant General, Assam.
- Office of the Aerodrome Officer, Tezpur. Accountant General, Assam.
- Office of the Aerodrome Officer, Mohanbari. Accountant General, Assam.
- Office of the Aerodrome Officer, Amritsar. Accountant General, Punjab.

(1)	(2)
DELHI	
Office of the Controller of Radio Construction and Development Units, New Delhi.	Accountant General, Central Revenues, New Delhi.
Office of the Controller, Central Radio Stores Depot, New Delhi.	Accountant General, Central Revenues, New Delhi.
Office of the Controller of Communication, Delhi Region, Delhi.	Accountant General, Central Revenues, New Delhi.
Officer-in-Charge, Aeronautical Communication Station, New Delhi.	Accountant General, Central Revenues, New Delhi.
JAMMU & KASHMIR	
Aeronautical Communication Station, Jammu	Nil.
NEPAL	
Aeronautical Communication Station, Khatmandu	Nil.
PUNJAB	
Office of the Officer-in-Charge, Aeronautical Communication Station, Amritsar.	Accountant General, Punjab, Simla.
Aeronautical Communication Station, Pathankot	Nil.
UTTAR PRADESH	
Officer-in-Charge, Aeronautical Communication Station, Allahabad.	Accountant General, U.P., Allahabad.
Officer-in-Charge, Aeronautical Communication Station, Lucknow.	Accountant General, U.P., Allahabad.
Aeronautical Communication Station, Kanpur	Nil.
Aeronautical Communication Station, Babatpur (Banaras).	Nil.
Aeronautical Communication Station, Lalitpur	Nil.
Aeronautical Communication Station, Gorakhpur	Nil.
MADHYA BHARAT	
Officer-in-Charge, Aeronautical Communication Station, Gwalior.	Accountant General, Madhya Bharat—Gwalior.
Aeronautical Communication Station, Indore	Nil.
RAJASTHAN	
Officer-in-Charge, Aeronautical Communication Station, Jaipur.	Accountant General, Rajasthan, Jaipur.
Officer-in-Charge, Aeronautical Communication Station, Jodhpur.	Accountant General, Rajasthan, Jaipur.
Aeronautical Communication Station, Kotah	Nil.
BOMBAY	
Office of the Controller of Communication, Bombay.	Accountant General, Bombay.
Officer-in-Charge, Aeronautical Communication Station, Bombay.	Accountant General, Bombay.
Officer-in-Charge, Aeronautical Communication Station, Ahmedabad.	Accountant General, Bombay.
Aeronautical Communication Station, Baroda	Nil.
Aeronautical Communication Station, Balgaum	Nil.
MADHYA PRADESH	
Officer-in-Charge, Aeronautical Communication Station, Nagpur.	Accountant General, Madhya Pradesh, Nagpur.
Aeronautical Communication Station, Akola	Nil.
Aeronautical Communication Station Jabalpur	Nil.
Officer-in-Charge, Aeronautical Communication Station, Raipur.	Accountant General, Madhya Pradesh, Nagpur.
Officer-in-Charge, Aeronautical Communication Station, Bhopal.	Deputy Accountant General, Bhopal.
Officer-in-Charge, Aeronautical Communication Station, Jammnagar.	Accountant General (Saurashtra), Rajkot.
Aeronautical Communication Station, Porbander	Nil.
Aeronautical Communication Station, Keshod	Nil.

(1)	(2)
MADHYA PRADESH—Contd.	
Aeronautical Communication Station, Rajkot	Nil.
Aeronautical Communication Station, Bhaynagar	Nil.
Aeronautical Communication Station, Bhu]	Nil.
WEST BENGAL	
Office of the Controlier of Communication, Calcutta Region, Calcutta.	Accountant General (West Bengal), Calcutta.
Officer-in-Charge, Aeronautical Communication Station, Calcutta.	Accountant General (West Bengal), Calcutta.
Officer-in-Charge, Aeronautical Communication Station, Bagdogra.	Accountant General (West Bengal), Calcutta.
Aeronautical Communication Station, Barratk-pore.	Nil.
Aeronautical Communication Station, Asansol	Nil.
Aeronautical Communication Station, Balurghat	Nil.
Aeronautical Communication Station, Berhampur	Nil.
Aeronautical Communication Station, Chandernagar.	Nil.
Aeronautical Communication Station, Baraipur	Nil.
BIHAR	
Officer-in-Charge, Aeronautical Communication Station, Gaya.	Accountant General, Bihar, Ranchi.
Officer-in-Charge, Aeronautical Communication Station, Patna.	Accountant General, Bihar, Ranchi.
Aeronautical Communication Station, Ranchi	Nil.
Aeronautical Communication Station, Muzzaffarpur.	Nil.
Aeronautical Communication Station, Chakulia	Nil.
ORISSA	
Officer-in-Charge Aeronautical Communication Station, Jharsuguda.	Accountant General, Ranchi, Orissa.
Officer-in-Charge, Aeronautical Communication Station, Bhubaneswar.	Accountant General, Ranchi, Orissa.
Officer-in-Charge, Aeronautical Communication Station, Agartala.	Accountant General, Assam Shillong.
Officer-in-Charge Aeronautical Communication Station, Gauhati.	Accountant General, Assam, Shillong.
Officer-in-Charge Aeronautical Communication Station, Mohanbari.	Accountant General, Assam, Shillong.
Aeronautical Communication Station, Khumpigram.	Nil.
Aeronautical Communication Station, Tespur	Nil.
Aeronautical Communication Station, Imphal	Nil.
Aeronautical Communication Station, North Lakhimpur.	Nil.
Aeronautical Communication Station, Passighat	Nil.
Aeronautical Communication Station, Kamalpur	Nil.
Aeronautical Communication Station, Belonia	Nil.
Aeronautical Communication Station, Khowai	Nil.
Aeronautical Communication Station, Kailashahar.	Nil.
MADRAS	
Office of the Controller of Communication, Madras.	Accountant General, Madras.
Officer-in-Charge, Aeronautical Communication Station, Madras.	Accountant General, Madras.
Officer-in-Charge, Aeronautical Communication Station, Coimbatore.	Accountant General, Madras.
Officer-in-Charge, Aeronautical Communication Station, Tiruchirappalli.	Accountant General, Madras.
Officer-in-Charge, Aeronautical Communication Station, Cochin.	Accountant General, Madras.
Aeronautical Communication Station, Mangalore	Nil.

(1)	(2)
HYDERABAD	
Officer-in-Charge, Aeronautical Communication Station, Begumpet.	Accountant General, Hyderabad.
Aeronautical Communication Station, Aurangabad.	Nil.
Aeronautical Communication Station, Warangal	Nil.
MYSORE	
Officer-in-Charge, Aeronautical Communication Station, Bangalore.	Accountant General, Mysore, Bangalore.
TRAVANCORE-COCHIN	
Officer-in-Charge, Aeronautical Communication Station, Trivandrum.	Nil
ANDHRA	
Officer-in-Charge, Aeronautical Communication Station, Vijayawada.	Accountant General, Andhra, Madras.
Officer-in-Charge, Aeronautical Communication Station, Visakhapatnam.	Accountant General, Andhra, Madras.
DELHI	
Office of the Controller of Aeronautical Inspection, New Delhi.	Accountant General, Central Revenue, New Delhi.
UTTAR PRADESH	
Office of the Principal, Civil Aviation Training Centre, Bamrauli (Allahabad).	Accountant General, Uttar Pradesh, Allahabad.
Office of the Officer-in-Charge, Aeronautical Inspection Office, Bamrauli Aerodrome, Allahabad.	Accountant General, Uttar Pradesh, Allahabad.
BOMBAY	
Office of the Controller of Aeronautical Inspection, Bombay Airport, Bombay.	Accountant General, Bombay.
Gliding Centre, Poona	Accountant General, Bombay.
WEST BENGAL	
Office of the Controller of Aeronautical Inspection, Calcutta Airport, Calcutta.	Accountant General, West Bengal, Calcutta.
Office of the Officer-in-Charge, Aeronautical Inspection, Barrackpore.	Accountant General, West Bengal, Calcutta.
HYDERABAD	
Office of the Officer-in-Charge, Aeronautical Inspection, Begumpet Airport, Hyderabad-Dn.	Accountant General, Hyderabad-Dn.
MYSORE	
Office of the Director, Inspection Office, Hindustan Aircraft Ltd., P. O., Bangalore.	Accountant General, Mysore State, Bangalore.

NOTE. There are certain stations where there is no Gazetted Officer as such the word Nil has been written against those stations in Col. 2.

(1)

(2)

D.—India Meteorological Department

- | | |
|---|--|
| 1. Office of the Director General of Observatories, New Delhi. | The Accountant General, Central Revenues, New Delhi. |
| 2. Office of the Deputy Director General of Observatories (Instruments), New Delhi including Instruments Section, Poona and Hydrogen Factory, Agra. | The Accountant General, Central Revenues, New Delhi. |
| 3. Office of the Deputy Director General of Observatories (Climatology and Geo-Physics), Poona. | The Accountant General, Bombay. |
| 4. Office of the Deputy Director General of Observatories (Forecasting), Poona. | The Accountant General, Bombay. |
| 5. Office of the Regional Director, Bombay including Meteorological Offices at Santa Cruz, Ahmedabad, Begumpet. | The Accountant General, Bombay. |
| 6. Office of the Regional Director, Calcutta including Meteorological Offices at Dum Dum, Barrackpore and Gauhati. | The Accountant General, West Bengal, Calcutta. |
| 7. Office of the Regional Director, Madras including Meteorological Offices at St. Thomas Mount and Bangalore. | The Accountant General, Madras. |
| 8. Office of the Regional Director, Nagpur | The Accountant General, Madhya Pradesh, Nagpur. |
| 9. Office of the Regional Director, New Delhi including Meteorological Offices at Bamrauli, Lucknow and Jodhpur. | The Accountant General, Central Revenues, New Delhi. |
| 10. Office of the Director, Solar Physics Observatory, Kodaikanal. | The Accountant General, Madras.] |
| 11. Office of the Director, Colaba and Alibag Observatories, Colaba. | The Accountant General, Bombay. |
| 12. Director, Agricultural Meteorology, Poona | The Accountant General Bombay. |
| 13. Seismologist, Central Seismological Observatory, Shillong. | The Accountant General, Assam, Shillong. |
| 14. Meteorological Officer I/C, Civil Aviation Training Centre, Bamrauli. | The Accountant General Central Revenues, New Delhi. |

E.—Railway Inspectorate

- | | |
|--|--|
| Office of the Chief Government Inspector of Railways, Simla. | The Accountant General, Punjab, Simla. |
| Office of the Government Inspector of Railways, Bombay. | The Accountant General, Bombay. |
| Office of the Government Inspector of Railways, Calcutta. | The Accountant General, West Bengal. |
| Office of the Government Inspector of Railways, Lucknow (at Calcutta). | The Accountant General, West Bengal. |
| Office of the Government Inspector of Railways, Bangalore. | The Accountant General, Mysore. |

F.—Overseas Communication Service

- | | |
|---|-----------------------------------|
| (1) O. C. S. Head Office, Radio House, Apollo Bunder, Bombay. 1. | } The Accountant General, Bombay. |
| (2) O. C. S., Central Traffic Office, Flora Fountain, Fort, Bombay. | |
| (3) O. C. S. Beam Wireless Station, Poona-6. | |
| (4) O. C. S. Beam Wireless Station, Dhond | |
| (5) O. C. S., New Delhi | |
| (6) O. C. S., Calcutta | |
| (7) O. C. S., Madras | |

PART II—NON-GAZETTED OFFICERS.

Office in which the judgment debtor is employed.	Authorities by whom notices of attachment will be received.
(1)	(2)
A.— <i>Secretariat</i> . Ministry of Communications, New Delhi	The Under Secretary to the Government of India, Ministry of Communications New Delhi.
B.— <i>Posts and Telegraphs Department</i>	
(a) Officers employed in the Calcutta Telephone Distt.	General Manager, Calcutta Telephone District, Calcutta.
(b) Office of the Engineer-in-Chief, Calcutta Automatisation, Calcutta.	Engineer-in-Chief, Calcutta Automatisation, Calcutta.
(c) Office of the Senior Electrical Engineer, Calcutta.	Senior Electrical Engineer, Calcutta.
(d) Office of the General Manager, P. & T. Workshops, Calcutta.	General Manager, P. & T. Workshops, Calcutta.
(e) Office of the Chief Controller, Telegraph Stores, Calcutta.	Chief Controller, Telegraph Stores, Calcutta.
(f) Office of the Chief Accounts Officer, Telegraph Stores and Workshops, Calcutta.	Chief Accounts Officer, Telegraph Stores, Workshops, Calcutta.
(g) Officers other than those referred to at (a) to (f) and employed in the States of West Bengal and Tripura.	Postmaster-General, West Bengal Circle, Calcutta.
(h) Officers employed in the State of Assam	Director of Posts and Telegraphs, Assam Circle, Shillong.
(i) Officers employed in the State of Orissa	Director of Posts and Telegraphs, Orissa Circle, Cuttack.
(j) Officers employed in the State of Bihar	Postmaster-General, Bihar Circle, Patna.
(k) Officers employed in the Bombay Telephone District.	General Manager, Bombay Telephone District Bombay.
(l) Officers other than those referred to at (k) above and employed in the States of Bombay, Kutch and Saurashtra.	Postmaster-General, Bombay Circle, Bombay.
(m) Officers employed in the Madras Telephone District.	District Manager, Madras Telephone District, Madras.
(n) Postal Officers employed in the Hyderabad State.	Director of Postal Services, Hyderabad.
(o) Officers other than those referred to at (m) and (n) and employed in the States of Hyderabad, Travancore-Cochin, Coorg, Mysore and Madras.	Postmaster-General, Madras Circle, Madras.
(oo) Office of the A. O. T. R. (North) Delhi/(Central) Delhi/Nagpur.	A. O. T. R. (North) Delhi/(Central) Delhi/Nagpur.
(p) Office of the Additional Chief Engineer, T. & D. Circle, Jabalpur.	Additional Chief Engineer, T. & D. Circle, Jabalpur.
(q) Office of the Divisional Engineer, Telegraphs, P. & T. Training Centre, Jabalpur.	Divisional Engineer, Telegraphs, P. & T. Training Centre, Jabalpur.
(r) Officers other than those referred to at (oo) to (q) and employed in the States of Madhya Pradesh and Vindhya Pradesh.	Postmaster-General, Central Circle, Nagpur.
(s) Office of the Superintendent, Postal Seals, Aligarh.	Supdt., Postal Seals, Aligarh
(t) Officers other than those referred to at (s) above and employed in the State of Uttar Pradesh.	Postmaster-General, Uttar Pradesh Circle, Lucknow.
(u) Office of the Director-General, Posts and Telegraphs, New Delhi.	Director-General, Posts and Telegraphs, New Delhi.
(v) Officers employed in the Delhi Telephone District.	District Manager, Delhi Telephone District, New Delhi.
(w) Postal Officers other than those referred to at (u) above and employed in the State of Delhi.	Director of Postal Services, Delhi.
(x) Officers other than those referred to at (oo) and (u) to (w) and employed in the States of Delhi, Punjab, Himachal Pradesh and Pepsu.	Postmaster-General, Punjab Circle, Ambala.

(1)

(2)

- (y) Officers employed in the State of Andhra . Director of Posts and Telgraphs, Andhra Circle, Kurnool.
- (z) Officers employed in the States of Rajasthan, Ajmer, Merwara, Madhya Bharat and Bhopal. Director of Posts and Telegraphs, Rajasthan Circle, Jaipur.

C.—Civil aviation department.

- Office of the Controller of Aerodromes, Delhi Region, New Delhi. Controller of Aerodromes, Delhi Region, Safdarjung Aerodrome, New Delhi.
- Office of the Aerodrome Officer, New Delhi . Aerodrome Officer, Safdarjung Aerodrome, New Delhi.
- Office of the Aerodrome Officer, Palam Airport, Delhi Cantt. Aerodrome Officer, Civil Aerodrome, Palam.
- Office of the Aerodrome Officer, Sarsawa Saharanpur. . Controller of Aerodrome, Delhi Region, Safdarjung Airport, New Delhi.
- Office of the Aerodrome Officer, Gwalior . Controller of Aerodrome, Delhi Region, Safdarjung Airport, New Delhi.
- Office of the Aerodrome Officer, Lalitpur . Controller of Aerodrome, Delhi Region, Safdarjung Airport, New Delhi.
- Office of the Aerodrome Officer, Kotah . . Controller of Aerodrome, Delhi Region, Safdarjung Airport, New Delhi.
- Office of the Aerodrome Officer, Pathankot] . Controller of Aerodrome, Delhi Region, Safdarjung Airport, New Delhi.
- Office of the Aerodrome Officer, Jaipur . Aerodrome Officer, Civil Aerodrome, Jaipur.
- Office of the Electrical and Mechanical Officer, New Delhi. Electrical and Mechanical Officer, Safdarjung Aerodrome, New Delhi.
- Office of the Aerodrome Officer, Allahabad . Aerodrome Officer, Civil Aerodrome, Allahabad.
- Office of the Aerodrome Officer, Kanpur . Aerodrome Officer, Civil Aerodrome, Kanpur.
- Office of the Aerodrome Officer, Bareilly . Controller of Aerodromes, Delhi Region, N. Delhi.
- Office of the Aerodrome Officer, Civil Aerodrome Amausi, Lucknow. Aerodrome Officer, Civil Aerodrome, Lucknow.
- Office of the Aerodrome Officer, Banaras . Aerodrome Officer, Civil Aerodrome, Banaras.
- Office of the Aerodrome Officer, Gaya . Aerodrome Officer, Civil Aerodrome, Gaya.
- Office of the Aerodrome Officer, Patna . . Aerodrome Officer, Civil Aerodrome, Patna.
- Office of the Aerodrome Officer, Bhubaneswar . Station Communication Officer, Civil Aerodrome, Bhubaneswar.
- Office of the Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum. Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, Calcutta Airport, Dum Dum. Aerodrome Officer, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, Asansol . Controller of Aerodromes, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, Jharsuguda . Controller of Aerodromes, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, Civil Aerodrome, Imphal. Controller of Aerodromes, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, Cooch-Behar . Controller of Aerodromes, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, North Lakhimpur. Controller of Aerodromes, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, Belonia . Controller of Aerodromes, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, Khowai . Controller of Aerodromes, Calcutta Airport, Dum Dum.
- Office of the Aerodrome Officer, Kamalapore . Controller of Aerodrome, Calcutta Airport, Dum Dum.

(1)

(2)

Office of the Aerodrome Officer, Kailashahar .	Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.
Office of the Aerodrome Officer, Balurghat .	Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.
Office of the Aerodrome Officer, Pasi Ghat .	Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.
Office of the Aerodrome Officer, Gorakhpur .	Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.
Office of the Controller of Aerodromes, Madras Region, Madras.	Controller of Aerodromes, Madras Region, Madras Airport, Madras.
Office of the Aerodrome Officer, Madras .	Aerodrome Officer, Madras Airport, Madras.
Office of the Aerodrome Officer, Vijaywada .	Controller of Aerodromes, Madras Region, Madras Airport, Madras.
Office of the Aerodrome Officer, Cochin .	Controller of Aerodromes, Madras Region, Madras Airport, Madras.
Office of the Aerodrome Officer, Coimbatore .	Station Communication Officer, Coimbatore.
Office of the Aerodrome Officer, Visakhapatnam .	Aerodrome Officer, Civil Aerodrome, Visakhapatnam.
Office of the Aerodrome Officer, Tiruchirappalli .	Aerodrome Officer, Civil Aerodrome, Tiruchirappalli.
Office of the Aerodrome Officer, Mangalore .	Aerodrome Officer, Civil Aerodrome, Mangalore.
Office of the Aerodrome Officer, Begumpet .	Aerodrome Officer, Civil Aerodrome, Begumpet.
Office of the Aerodrome Officer, Trivandrum .	Aerodrome Officer, Civil Aerodrome, Trivandrum.
Office of the Aerodrome Officer, Mysore .	Aerodrome Officer, Civil Aerodrome Mysore.
Office of the Aerodrome Officer, Donakonda .	Controller of Aerodromes, Madras Region, Madras.
Office of the Aerodrome Officer, Cuddapah .	Controller of Aerodromes, Madras Region, Madras.
Office of the Aerodrome Officer, Madurai .	Controller of Aerodromes, Madras Region, Madras.
Office of the Aerodrome Officer, Ramnad .	Controller of Aerodromes, Madras Region, Madras.
Office of the Aerodrome Officer, Vellore .	Controller of Aerodromes, Madras Region, Madras.
Office of the Aerodrome Officer, Warrangal .	Controller of Aerodromes, Madras Region, Madras.
Office of the Controller of Aerodromes, Bombay .	Controller of Aerodromes, Bombay Region, Bombay Airport, Santa cruz.
Office of the Aerodrome Officer, Santacruz, Bombay.	Aerodrome Officer, Bombay Airport, Santa-cruz.
Office of the Aerodrome Officer, Juhu .	Aerodrome Officer, Civil Aerodrome, Juhu Bombay.
Office of the Aerodrome Officer, Ahmedabad .	Aerodrome Officer, Civil Aerodrome, Ahmedabad.
Office of the Aerodrome Officer, Civil Aerodrome, Nagpur.	Aerodrome Officer, Civil Aerodrome, Nagpur.
Office of the Aerodrome Officer, Jubbulpore .	Controller of Aerodromes, Bombay Region, Bombay Airport, Santacruz.
Office of the Aerodrome Officer, Gauhati .	Aerodrome Officer, Civil Aerodrome, Gauhati.
Office of the Aerodrome Officer, Mohanbari .	Aerodrome Officer, Civil Aerodrome, Mohanbari.
Office of the Aerodrome Officer, Amritsar .	Aerodrome Officer, Civil Aerodrome, Amritsar.
Office of the Aerodrome Officer, Akola .	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Raipur .	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Belaspur .	Controller of Aerodromes, Bombay Region, Santacruz.

(1)

(2)

Office of the Aerodrome Officer, Aurangabad	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Baroda	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Bhuj	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Bhavnagar	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Jamnagar	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Rajkot	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Porbandar	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Belgaum	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Keshod	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Indore	Controller of Aerodromes, Bombay Region, Santacruz.
Office of the Aerodrome Officer, Bhopal	Aerodrome Officer, Civil Aerodrome, Bhopal.
Office of the Aerodrome Officer, Barrackpore	Aerodrome Officer, Civil Aerodrome, Barrackpore.
Office of the Aerodrome Officer, Agartala	Aerodrome Officer, Civil Aerodrome, Agartala.
Office of the Aerodrome Officer, Chakulia	Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.
Office of the Aerodrome Officer, Khumbigram	Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.
Office of the Aerodrome Officer, Ranchi	Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.
Office of the Aerodrome Officer, Muzaffarpur	Controller of Aerodromes, Calcutta Region, Calcutta Airport, Dum Dum.

DELHI

Office of the Controller of Radio Construction and Development Units, New Delhi.	Central Radio Construction and Development Units, New Delhi.
Office of the Controller, Central Radio Stores Depot, New Delhi.	Controller, Central Radio Stores Depot, New Delhi.
Office of the Controller of Communication, Delhi Region, Delhi.	Controller of Communication, Delhi Region, New Delhi.
Officer-in-Charge, Aeronautical Communication Station, New Delhi.	Officer-in-Charge, Aeronautical Communication Station, New Delhi.

JAMMU AND KASHMIR

Aeronautical Communication Station, Jammu.	Controller of Communication, Delhi Region, New Delhi.
--	---

NEPAL

Aeronautical Communication Station, Kathmandu	Controller of Communication, Calcutta Region, Calcutta.
---	---

PUNJAB

Office of the Officer-in-Charge, Aeronautical Communication Station, Amritsar.	Officer-in-Charge, Aeronautical Communication Station, Amritsar.
Aeronautical Communication Station, Pathankot.	Controller of Communication, Delhi Region, New Delhi.

(1)

(2)

UTTAR PRADESH

Officer-in-Charge, Aeronautical Communication Station, Allahabad.	Officer-in-Charge, Aeronautical Communication Station, Allahabad.
Officer-in-Charge, Aeronautical Communication Station, Lucknow.	Officer-in-Charge, Aeronautical Communication Station, Lucknow.
Aeronautical Communication Station, Kanpur.	Officer-in-Charge, Aeronautical Communication Station, Lucknow.
Aeronautical Communication Station, Babatpur (Benaras).	Officer-in-Charge, Aeronautical Communication Station, Allahabad.
Aeronautical Communication Station, Lalitpur.	Controller of Communication, Delhi Region, New Delhi.
Aeronautical Communication Station, Gorakhpur.	Controller of Communication, Calcutta Region, Calcutta.

MADHYA BHARAT

Officer-in-Charge, Aeronautical Communication Station, Gwalior.	Officer-in-Charge, Aeronautical Communication Station, Gwalior.
Aeronautical Communication Station, Indore.	Controller of Communication, Bombay Region, Bombay.

RAJASTHAN

Officer-in-Charge, Aeronautical Communication Station, Jaipur.	Officer-in-Charge, Aeronautical Communication Station, Jaipur.
Officer-in-Charge, Aeronautical Communication Station, Jodhpur.	Officer-in-Charge, Aeronautical Communication Station, Jodhpur.
Aeronautical Communication Station, Kota.	Controller of Communication, Delhi Region, New Delhi.

BOMBAY

Office of the Controller of Communication, Bombay.	Controller of Communication, Bombay Region, Bombay.
Officer-in-Charge, Aeronautical Communication Station, Bombay.	Officer-in-Charge, Aeronautical Communication Station, Bombay.
Officer-in-Charge, Aeronautical Communication Station, Ahmedabad.	Officer-in-Charge, Aeronautical Communication Station, Ahmedabad.
Aeronautical Communication Station, Baroda.	Controller of Communication, Bombay Region, Bombay.
Aeronautical Communication Station, Belgaum.	Controller of Communication, Bombay Region, Bombay.

MADHYA PRADESH

Officer-in-Charge, Aeronautical Communication Station, Nagpur.	Officer-in-Charge, Aeronautical Communication Station, Nagpur.
Aeronautical Communication Station, Akola.	Controller of Communication, Bombay Region, Bombay.
Aeronautical Communication Station, Jabalpur.	Officer-in-Charge, A.C.S., Nagpur.
Officer-in-Charge, Aeronautical Communication Station, Raipur.	Officer-in-Charge, A.C.S., Raipur.
Officer-in-Charge, Aeronautical Communication Station, Bhopal.	Officer-in-Charge, A.C.S., Bhopal.

SAURASHTRA

Officer-in-Charge, Aeronautical Communication Station, Jamnagar.	Officer-in-Charge, Aeronautical Communication Station, Jamnagar.
Aeronautical Communication Station, Porbander.	Controller of Communication, Bombay Region, Bombay.
Aeronautical Communication Station, Keshod.	Controller of Communication, Bombay Region, Bombay.
Aeronautical Communication Station, Rajkot.	Controller of Communication, Bombay Region, Bombay.
Aeronautical Communication Station, Bhavnagar.	Controller of Communication, Bombay Region, Bombay.
Aeronautical Communication Station, Bhuj.	Controller of Communication, Bombay Region, Bombay.

(1)

(2)

WEST BENGAL

Office of the Controller of Communication, Calcutta Region, Calcutta.	Controller of Communication, Calcutta Region, Calcutta.
Officer-in-Charge, Aeronautical Communication Station, Calcutta.	Officer-in-Charge, A.C.S., Calcutta.
Officer-in-Charge, Aeronautical Communication Station, Bagdogra.	Officer-in-Charge, A.C.S., Bagdogra.
Aeronautical Communication Station, Barrackpore	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Asansol .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Balurghat .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Berhampur	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Chandernagar.	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Baruipur .	Controller of Communication, Calcutta Region, Calcutta.

BIHAR

Officer-in-Charge, Aeronautical Communication Station, Gaya.	Officer-in-Charge, A.C.S., Gaya.
Officer-in-Charge, Aeronautical Communication Station, Patna.	Officer-in-Charge, A.C.S., Patna.
Aeronautical Communication Station, Ranchi .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Muzaaffarpur.	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Chakulla .	Controller of Communication, Calcutta Region, Calcutta.

ORISSA

Officer-in-Charge, Aeronautical Communication Station, Jharsuguda.	Officer-in-Charge, A.C.S., Jharsuguda.
Officer-in-Charge, Aeronautical Communication Station, Bhubaneswar.	Officer-in-Charge, A.C.S., Bhubaneswar.

ASSAM

Officer-in-Charge, Aeronautical Communication Station, Agartala.	Officer-in-Charge, A.C.S., Agartala.
Officer-in-Charge, Aeronautical Communication Station, Gauhati	Officer-in-Charge, A.C.S., Gauhati.
Officer-in-Charge, Aeronautical Communication Station, Mohanbari.	Officer-in-Charge, A.C.S., Mohanbari.
Aeronautical Communication Station, Khumbrigram	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Tezpur .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Imphal .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, North Lakhimpur.	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Passighat .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Kamalpur .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Belonia .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Khowai .	Controller of Communication, Calcutta Region, Calcutta.
Aeronautical Communication Station, Kailashahar.	Controller of Communication, Calcutta Region, Calcutta.

(1)

(2)

MADRAS

Office of the Controller of Communication, Madras.	Controller of Communication, Madras Region, Madras.
Officer-in-Charge, Aeronautical Communication Station, Madras.	Officer-in-Charge, A.C.S., Madras.
Officer-in-Charge, Aeronautical Communication Station, Coimbatore.	Officer-in-Charge, A.C.S., Coimbatore.
Officer-in-Charge, Aeronautical Communication Station, Tiruchirapalli.	Officer-in-Charge, A.C.S., Tiruchirapalli.
Officer-in-Charge, Aeronautical Communication Station, Cochin.	Officer-in-Charge, A.C.S., Cochin.
Aeronautical Communication Station, Mangalore.	Controller of Communication, Madras.

HYDERABAD

Officer-in-Charge, Aeronautical Communication Station, Begumpet.	Officer-in-Charge, A.C.S., Begumpet.
Aeronautical Communication Station, Aurangabad	Controller of Communication, Madras Region, Madras.
Aeronautical Communication Station, Warangal	Controller of Communication, Madras Region, Madras.

MYSORE

Officer-in-Charge, Aeronautical Communication Station, Bangalore.	Officer-in-Charge, A.C.S., Bangalore.
---	---------------------------------------

TRAVANCORE-COCHIN

Officer-in-Charge, Aeronautical Communication Station, Trivandrum.	Controller of Communication, Madras Region, Madras.
--	---

ANDHRA

Officer-in-Charge, Aeronautical Communication Station, Vijayawada.	Officer-in-Charge, A.C.S., Vijayawada.
Officer-in-Charge, Aeronautical Communication Station, Visakhapatnam.	Officer-in-Charge, A.C.S., Visakhapatnam.

DELHI

Office of the Controller of Aeronautical Inspection, New Delhi.	Controller of Aeronautical Inspection, Safdarjung Airport, New Delhi.
---	---

UTTAR PRADESH

Office of the Principal, Civil Aviation Training Centre, Bamrauli (Allahabad).	Principal, Civil Aviation Training Centre, Bamrauli (Allahabad.)
Office of the Officer-in-Charge, Aeronautical Inspection, Bamrauli Aerodrome, Allahabad.	Senior Aircraft Inspector, Aeronautical Inspection, Bamrauli Aerodrome, Allahabad

BOMBAY

Office of the Controller of Aeronautical Inspection, Bombay Airport, Bombay.	Controller of Aeronautical Inspection, Bombay Airport, Bombay.
Gliding Centre, Poona	Controller of Aerodromes, Bombay Region, Bombay Airport, Bombay.

WEST BENGAL

Office of the Controller of Aeronautical Inspection, Calcutta Airport, Calcutta.	Controller of Aeronautical Inspection, Calcutta Airport, Calcutta.
Office of the Officer-in-Charge, Aeronautical Inspection, Barrackpore.	Senior Aircraft Inspector, Aeronautical Inspection, P. O. Enamel Works, Palta (24 Parganas), Barrackpore.

(1)

(2)

HYDERABAD

Office of the Officer-in-Charge, Aeronautical Inspection, Begumpet Airport, Hyderabad-Dn.

Senior Aircraft Inspector, Aeronautical Inspection, Begumpet, Airport, Hyderabad-Dn.

MYSORE

Office of the Director, Inspection Office, Hindustan Aircraft Ltd., P. O., Bangalore.

Director Inspection Office, Hindustan Aircraft Ltd., P. O., Bangalore.

D.—India Meteorological Department.

- | | |
|--|---|
| 1. (a) Office of the Director General of Observatories, New Delhi. | } The Director General of Observatories, New Delhi. |
| (b) Office of the Deputy Director General of Observatories (Administration), New Delhi. | |
| (c) Office of the Meteorological Officer I/C, Civil Aviation Training Centre, Bamrauli. | |
| (d) Hydro-Meteorological Observatories at Khatmandu, Taplejung, Walchangola, Oakhaldhunga. | |
| 2. (a) Office of the Deputy Director General of Observatories (Instruments), New Delhi. | } The Deputy Director General of Observatories (Instruments), New Delhi. |
| (b) Instruments Section, Poona. | |
| (c) Hydrogen Factory, Agra. | |
| 3. Office of the Deputy Director General of Observatories (Climatology and Geo-Physics), Poona. | } The Deputy Director General of Observatories (Climatology and Geophysics), Poona. |
| 4. (a) Office of the Deputy Director General of Observatories (Forecasting), Poona. | |
| (b) Meteorological Communication Centre, Bombay | } The Deputy Director General of Observatories (Forecasting), Poona. |
| 5. Office of the Director, Regional Meteorological Centre, Colaba, Bombay and Meteorological Offices at Santacruz, Ahmedabad, Begumpet, Juhu, Baroda, Sholapur, Surat, Kolhapur, Bhuj, Gadag, Veingurli, Veraval, Chikalthana, Bhavnagar, Rajkot and Sambre. | |
| 6. Office of the Director, Regional Meteorological Centre, Alipore, Calcutta and Meteorological Offices at Dum Dum, Gaya, Jamshedpur, Jharsuguda, Patna, Hazaribagh, Port Blair, Gopalpur, Asansol, Cuttack, Tezpur, Barackpore, Mohanbari, Gauhati, Agartala, Bhagalpore, Bagdogra, Bhubaneswar, Kharmandu, Imphal, Barakhe and Shillong. | } The Director, Regional Meteorological Centre, Calcutta. |
| 7. Office of the Director, Regional Meteorological Centre, Madras and Meteorological Offices at Bangalore, Visakhapatnam, Cochin, Cudalore, Ganavaram, Nellore, Salem, Coimbatore, Vellore, Anantapore, Mangalore, Masulipatam, Tiruchi, Minicoy, Trivandrum and Kozhikode. | |
| 8. Office of the Director, Regional Meteorological Centre, Nagpur and Meteorological Offices at Bairagarh, Indore, Akola, Pendra, Gwalior, Jabbalpur, Raipur, Jagdalpur, Satna and Guna. | } The Director, Regional Meteorological Centre, Nagpur. |
| 9. Office of the Director, Regional Meteorological Centre, New Delhi, and Meteorological Offices at Lucknow, Bamrauli, Babatpur, Amritsar, Jaipur, Dehra Dun, Ambala, Bikaner, Udaipur, Bareilly, Gorakhpur, Jodhpur, Barmer, Kotah, Hissar and Sriganaganagar. | |

(1)

(2)

- | | |
|---|--|
| 10. Office of the Director, Colaba and Alibag Observatories, Colaba and Observatory at Alibagh. | The Director, Colaba and Alibagh Observatories, Colaba. |
| 11. Office of the Director, Solar Physics Observatory, Kodaikanal. | The Director, Solar Physics Observatory Kodaikanal. |
| 12. Office of the Director, Agricultural Meteorology, Poona. | The Director, Agricultural Meteorology, Poona. |
| 13. Office of the Seismologist, Central Seismological Observatory, Shillong. | The Seismologist I/C, Central Seismological Observatory, Shillong. |

E.—Railway Inspectorate

- | | |
|--|--|
| Office of the Chief Government Inspector of Railways, Simla. | The Chief Government Inspector of Railways, Simla. |
| Office of the Government Inspector of Railways, Bombay. | The Government Inspector of Railways, Bombay. |
| Office of the Government Inspector of Railways, Calcutta. | The Government Inspector of Railways, Calcutta. |
| Office of the Government Inspector of Railways, Lucknow (at Calcutta). | The Government Inspector of Railways, Lucknow (at Calcutta). |
| Office of the Government Inspector of Railways, Bangalore. | The Government Inspector of Railways, Bangalore. |

F.—Overseas Communication Service

- | | |
|--|---|
| (1) Overseas Communications Service, Head Office, <i>Bombay</i> . | The Director General, Overseas Communications Service, Radio House, Apollo Bunder, Bombay-1. |
| (2) Overseas Communications Service, Central Traffic Office, <i>Bombay</i> . | The Dy. Director General (Traffic), Overseas Communications Service, C. T. O. Building, Flora Fountain, Bombay-1. |
| (3) Overseas Communications Service, Beam Wireless Station, <i>Poona-6</i> . | The Chief Engineer, Government of India, Overseas Communications Service, Beam Wireless Station, Kirkce, Poona-6. |
| (4) Overseas Communications Service, Beam Wireless Station, <i>Dhond</i> . | The Engineer-in-Charge, Government of India Overseas Communications Service, Beam Wireless Station, Dhond. |
| (5) Overseas Communications Service, <i>New Delhi</i> . | The Director, Government of India Overseas Communications Service, Theatre Communications Building, Connaught Circus, New Delhi-1. |
| (6) Overseas Communications Service, <i>Calcutta</i> . | The Engineer-in-Charge, Government of India Overseas Communications Service, Narayni Building, Brabourne Road, Calcutta. |
| (7) Overseas Communications Service, <i>Madras</i> . | The Engineer-in-Charge, Government of India Overseas Communications Service, 2nd Floor, Feroze Mahal, 32, Linghi Chetty Street, Madras-1. |

[No. 2-G(23)/54.]

T. R. MATAN, Under Secy.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH**CORRIGENDUM***New Delhi, the 11th December 1954*

S.R.O. 3581.—In the Mineral Concession Rules, 1949 as corrected upto the 31st August 1954, after clause (a) of sub-rule (1) of rule 7, add the following clause, namely:—

"(b) A statement showing the technical qualifications and mining experience of the applicant, and his manager, if any, and such other

particulars as may be necessary to satisfy the State Government of the competence of the applicant to hold the certificate."

[No. MII-152(235)/53.]

M. MALHOTRA, Under Secy.

MINISTRY OF LABOUR

New Delhi, the 8th December 1954

S.R.O. 3582.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Sunit Kumar Dutta, a workman of the Lodna Colliery Company (1920) Limited.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 68 OF 1954

(Arising out of Reference No. 5 of 1954)

In the matter of an application U/s 33A of the I.D. Act.

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman.*

PARTIES:

Sunit Kumar Dutta, Gandhi Road, P.O. Dhanbad.—*Complainant*

Vs.

Lodna Colliery Company (1920) Ltd., Jharia.—*Opposite Party.*

APPEARANCES:

Shri Sunit Kumar Dutta, complainant in person.

Mr. Cecil Evans and Shri U. S. Majumdar—*For the Opposite Party.*

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that on 25th February 1954, he and other members of the staff were informed that there was no work for them at that time, and that they would be informed later on when they should report for work. On 5th March 1954 all of them were informed that they should resume work and they did so and worked on that day as usual. In the evening, the complainant was informed that his services were no longer required by the management. He made a representation to the General Manager. On 1st May 1954 he received a note from the General Manager asking him to report for work at Ningha colliery from 3rd May 1954. The complainant prayed for sometime as he was ill and was on medical treatment. He produced a medical certificate but the management issued a charge sheet to the complainant and suspended him indefinitely and informed him that he would remain under suspension till the decision of the Labour Appellate Tribunal to whom the management was applying for permission to dismiss him. The opposite party thereby violated the standing orders and also violated Section 33 of the Industrial Disputes Act. Hence the present complaint.

3. The opposite party denied the allegations made by the complainant and urged that the complainant had been laid-off from 25th February 1954. Due to general re-organisation of the office, it was found necessary to transfer the complainant to Sripur Group and he was accordingly instructed on 1st May 1954 to report at Sripur on 5th instant but the complainant did not report for duty nor did he produce a medical certificate. He was thereupon charge sheeted. An enquiry was held thereafter. At that time, he said that he was not prepared to go to Sripur though he had agreed to do so in his reply to the charge sheet. After considering the complainant's explanation and the evidence adduced at the enquiry, the opposite party found the complainant guilty and informed him that necessary application was being made for permission to dismiss him. An application was thereafter made under Section 33 of the Industrial Disputes Act to the All-India Industrial Tribunal (Colliery Dispute).

4. At the hearing before me today, the parties informed me that there had been a compromise between the management and the workman as a whole in Reference No. 5 of 1954 and in terms of that compromise the complainant was to be taken up and given work. The complainant has also given a statement Exhibit 10 stating that in view of this, he did not want to proceed with the complaint. The opposite party also agrees to this.

5. In view of the above, the complaint is disposed of. I pass my award accordingly.

The 23rd November 1954.

(Sd.) L. P. DAVE, *Chairman*,
Central Government's Industrial Tribunal, Dhanbad.
[No. LR.2(16)/54/I.]

S.R.O. 3583.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the matter of an application under section 33A of the said Act from Shri Bhagabati Bhattacharjee, a workman of the Lodna Colliery Co. (1920) Ltd.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 69 OF 1954

(Arising out of Reference No. 5 of 1954)

In the matter of an application U/s 33A of the I.D. Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman*.

PARTIES:

Shri Bhagabati Bhattacharjee, C/o Koyla Mazdoor Panchayat, Jharia, Dist. Manbhum.—*Complainant*.

Vs.

M/s. Lodna Colliery Co. (1920) Ltd., Jharia, Bihar.—*Opposite Party*.

APPEARANCES:

No appearance on behalf of the complainant.

Mr. Cecil Evans and Shri U. S. Majumdar.—*For the Opposite party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that he was discharged from service by the opposite party on 11th May 1954 without the express permission in writing from this Tribunal, though Reference No. 5 of 1954 was pending before it. He therefore prayed that he should be reinstated from the date of his discharge and given such other relief as may be deemed fit and proper.

3. The opposite party contended that the complainant was not maintainable under Section 33A because the complainant was an employee of the Lodna Coke Plant which was excluded from the operation of the Mines Act and could not therefore said to be a coalmine or a colliery. It was alleged that no dispute in respect of the Lodna Coke Plant had been referred to this Tribunal and in fact the Central Government would have no jurisdiction to refer any such dispute. It was further urged that the complainant was not dismissed but was laid-off and hence there was no contravention of the provisions of Section 33 of the Industrial Disputes Act.

4. The matter was fixed for hearing today. At the hearing, neither the complainant nor anyone else on his behalf appeared before the Tribunal. Actually, the complainant had sent a letter by post stating that he had been reinstated by the management and he therefore did not want to proceed with this complaint and he should be allowed to withdraw it.

5. In the above circumstances, the complaint is disposed of. I pass my award accordingly.

The 23rd November 1954.

(Sd.) L. P. DAVE, *Chairman*,
Central Government's Industrial Tribunal, Dhanbad.
[No. LR.2(16)/54/II.]

S.R.O. 3584.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shri Saudagar Hazam, workman, Lodna Colliery Co. (1920), Limited, Jharia.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 275 OF 1954

(Arising out of Reference No. 5 of 1954)

In the matter of an application U/s 33A of the I.D. Act.

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman.*

PARTIES:

Saudagar Hazam, C/o Koyala Mazdoor Panchayat, Jharia.—*Complainant.*

Vs.

Lodna Colliery Co. (1920) Limited, Jharia.—*Opposite party.*

APPEARANCES:

Shri Saudagar Hazam, complainant in person.

Mr. Cecil Evans and Shri U. S. Majumdar.—*For the Opposite party.*

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that the opposite party refused to allow the complainant to work from 18th May 1954 without assigning any reason and without serving any charge sheet or any notice on the complainant. Reference No. 5 of 1954 was pending at that time before this Tribunal and the discharge of the complainant as above was without the express permission in writing from the Tribunal and it thereby contravened the provisions of Section 33 of the Industrial Disputes Act. The complainant prayed that he should be reinstated and that proper orders should be passed in the case.

3. The opposite party has not filed any written statement.

4. At the hearing before me today, the parties informed me that there had been a compromise between the management and the workmen as a whole in Reference No. 5 of 1954 and in terms of that compromise the complainant was to be taken up and given work. The complainant has also given a statement Exhibit 6 stating that in view of this, he did not want to proceed with the complaint. The opposite party also agrees to this.

5. In view of the above, the complaint is disposed of. I pass my award accordingly.

(Sd.) L. P. DAVE, *Chairman,*

Central Government's Industrial Tribunal, Dhanbad.

[No. LR-2(16)54/III.]

The 23rd November 1954.

S.R.O. 3585.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the Act from Sarvasri Khurshid Meah and Basharat Meah, workmen State Railway Collieries, Giridih.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 66 OF 1954

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of the I.D. Act.

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman.*

PARTIES:

1. Khurshid Meah—Tindal Mazdoor, Coke Plant, 2. Basharat Meah—Fitter Mazdoor, Coke Plant of State Railway Collieries, Giridih, C/o Coal Workers Union, Barwadih, Giridih.—*Complainants.*

Vs

1. Superintendent of Collieries, Giridih, 2. Chief Mining Engineer, Railway Board, 1, Council House Street, Calcutta.—*Opposite Parties.*

APPEARANCES:

Shri Mahendra Nath Bharati, General Secretary, Coal Workers Union, Barwadih, Giridih—*For the complainants.*

Shri L. Singh, Welfare Officer, Office of the Superintendent of Collieries, Giridih—*For the opposite parties.*

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainants alleged that they were dismissed on 24th July 1953 during the pendency of Reference No. 6 of 1952 without the permission of this Tribunal and hence the opposite parties had contravened the provisions of Section 33 of the Industrial Disputes Act.

3. The opposite parties urged that some theft had taken place at the Acid Plant on 15th March 1951 and on enquiry being made by a Departmental Committee and also by the Police, it was suspected that the complainants were involved in the theft. They were therefore charge sheeted and ultimately dismissed. It was also urged that the complaint was filed after an inordinate delay.

4. The complainants were working in the Coke Plant of the State Railway Collieries, Giridih. It appears that a theft took place at the Acid Plant on the night between 14th March 1951 and 15th March 1951. The manager of the Coke Ovans made a report about it to the Colliery Superintendent who thereafter appointed a departmental committee to enquire in the matter. The Committee examined several persons and made a report on 6th June 1951. As a result of this report, a letter was addressed to the complainants on 23/25th July 1951 to show cause why they should not be removed from service. They gave a reply denying the allegations. Later another show cause notice was given to them on 2nd January 1953 and they gave a reply thereto also but they were dismissed from 24th July 1953. At that time Reference No. 6 of 1952 was pending before this Tribunal and hence the complainants have filed the present complaint alleging that by dismissing them, the opposite parties had committed a breach of Section 33 of the Industrial Disputes Act.

5. Three preliminary objections were raised before me by Shri Singh on behalf of the opposite parties. The first was that there was an inordinate delay in filing the present complaint. The complainants have filed the present complaint under Section 33A of the Industrial Disputes Act alleging that the opposite parties had committed a breach of Section 33 of the Industrial Disputes Act by dismissing them during the pendency of Reference No. 6 of 1952. Section 33 of the Act prohibits an employer *inter alia* from discharging any workman concerned in any dispute which may be pending before a Tribunal without the express permission in writing from that Tribunal. Section 33A lays down that if an employer commits a breach of Section 33, the aggrieved employee may make a complaint in writing to the Tribunal. This Section does not provide in express terms the time during which a complaint thereunder should be made; but it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the Section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made so far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of Labour Appellate Tribunal in the case of General Motors (India) Limited, 1954, Vol. I, L.L.J., p. 676.

6. The present complaint has been made on 24th June 1954. As I mentioned above, the complainants were dismissed on 24th July 1953 and that would mean that the present complaint has been filed about eleven months after their dismissal. The award in Reference No. 6 of 1952 was published in the *Gazette of India*, dated 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that case came to an end from 10th November 1953. That would also mean that the present complaint has

been filed more than seven months after the proceedings had terminated. *Prima facie*, therefore, the complaint would appear to have been filed after an unreasonable delay.

7. It however appears that complaint No. 272 of 1953 was filed before this Tribunal on 13th June 1953 on behalf of five persons including the present two complainants, on the ground that they were dismissed during the pendency of Reference No. 6 of 1952 without the permission of this Tribunal. This complaint however was not signed by any of the complainants but was signed by Shri Bharati who had however not then produced any authority from the complainants. Actually on the date of hearing of that case, one Shri Hari Sinha appeared before the Tribunal on behalf of the complainants with an authority from them. In other words, that complaint was filed by a person who had no authority from the complainants and had therefore to be dismissed. It may be noted that the above complaint was heard on 18th June 1954. The present complaint has been filed on 24th June 1954. As I mentioned above that complaint was filed on 13th August 1953 (*i.e.* within a month of dismissal of the complainants) and while proceedings in Reference No. 6 of 1952 were pending before this Tribunal. It is true that the complaint was not a proper complaint as required by law and that is why it was dismissed; but it is quite natural and probable that the complainants must have believed that the above complaint was proper and that is why they did not approach the Tribunal earlier. As soon as it was found (when the complaint was heard) that it was likely to fail on technical grounds, the present complaint has been filed. In my opinion, therefore the delay in filing the present complaint is in the circumstances reasonable and the complaint should not be dismissed on this ground.

8. The second preliminary objection raised by Shri Singh on behalf of the opposite parties was that the present complaint was not in proper form, as it was not verified by the complainants. The present complaint is signed by the complainants; but the verification clause is not signed by them, but is signed by Mr. Hari Sinha. The rules do not require that the complaint must be verified by the complainant himself. Rule 51A of the Industrial Disputes (Central Rules) 1947 lays down that a complaint under Section 33A should be verified by the employee making it or by some other person proved to the satisfaction of the Tribunal to be acquainted with the facts of the case. This clearly shows that the complaint need not necessarily be verified by this complainant himself, but can be verified by a person acquainted with the facts of the case. As I said above, the present complaint has been verified by Mr. Sinha. He is the Assistant Secretary of the Colliery Workers Union. This contention of Mr. Singh must also be rejected.

9. The third preliminary objection raised by Mr. Singh was that the present complaint would not be maintainable because the complainants were working in the Coke Ovens which were not parties to Reference No. 6 of 1952. Reference No. 6 of 1952 related to an industrial dispute between the employers in relation to the collieries specified in the schedule annexed thereto and their workmen. It was urged that Coke Ovens were not "collieries" and the above reference did not apply to Coke Ovens.

10. In this connection, I may refer to Section 2(a) of the Industrial Disputes Act which defines appropriate Government. Thereunder the Central Government shall be the appropriate Government in relation to industrial disputes concerning industries mentioned in clause (i) thereof. In relation to other industrial disputes the State Government would be the appropriate Government. An industrial dispute concerning a mine is included in the industries mentioned in clause (i), and hence the Central Government would be the appropriate Government, in relation to an industrial dispute concerning a mine. Under Section 10 of the Industrial Disputes Act, the appropriate Government has the power to make a reference to a Tribunal in respect of an industrial dispute. It would mean that the Central Government would have power to make a reference to a Tribunal in respect of an industrial dispute concerning the industries mentioned in clause (i) of Section 2(a) of the Industrial Disputes Act; otherwise it would have no jurisdiction; but the State Government would have jurisdiction; to do so.

11. The above Reference (Reference No. 6 of 1952) was made by the Central Government because it related to an industrial dispute relating to collieries, *i.e.* coalmines. As I mentioned above, an industrial dispute relating to mines would be a dispute for which the Central Government would be the appropriate Government to make a reference. It was urged by Mr. Singh that a Coke Oven was not a "mine" and therefore the Central Government could not have made a

reference relating to workers of the coke plant and the workers of the coke plant could not be said to be a party to the above reference.

12. A "mine" is defined in Section 2(j) of the Mines Act, 1952, as meaning any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on. It also contains six clauses mentioning certain things as being included in the definition of a mine. So far as coke plant is concerned, it could not be said to be an excavation where any operation for the purpose of searching or obtaining minerals has been or is being carried out. Clause (vi) of the above definition however lays down that a mine includes, "unless exempted by the Central Government by notification in the official gazette, any premises or part thereof on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on." This would mean that ordinarily coke ovens would be included in the definition of a mine unless a particular coke oven has been exempted by the Central Government by notification in the official gazette. In this connection, I may also refer to the old Indian Mines Act, 1923. Section 3(f) thereof defined a mine as meaning "any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and as including all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine". There was a proviso to this section which laid down that a mine shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals. This would mean that under the definition given in the Mines Act 1923, premises used for the purpose of manufacturing of coke would be a mine; under the new definition also, it would ordinarily be a mine, but would cease to be a mine if exempted by the Central Government by notification in the official gazette. Under Section 46 of the old Mines Act, the Central Government had authority to exempt any class of mine from the operation of all or any specified provisions of the Act and a notification was issued by Central Government, dated 12th July 1949 exempting the coke factory of the Railway at Giridih from all provisions of the Act. This however would mean that the coke plant was exempted from the operation of the Mines Act; but it did not mean that the coke plant was not a mine. Thus, under the definition as it stood in the old Act, the coke plant of the opposite parties was included in the definition of a mine, but was not governed by the provisions of the Mines Act because of the above notification. It was however a "mine", and the Central Government was the "appropriate Government" for it for the purposes of the Industrial Disputes Act. The position however has been changed by the amendment in the law and under the new Mines Act 1952, a coke plant would not even be a "mine", if it is exempted by the Central Government by notification in the official gazette. Such a notification would have the effect of excluding a coke plant from the definition of a mine and not merely from the provisions of the Mines Act. A notification has been issued by the Central Government on 15th September 1953 being notification No. S.R.O. 1732 under which the Central Government exempted among others the coke factory of the Eastern Railway at Giridih from all provisions of the Mines Act, 1952. This would mean that the coke plant of the State Railway colliery at Giridih ceased to be a mine (as defined in the Mines Act, 1952).

13. The complainants were working in the coke plant and were dismissed therefrom on 24th July 1953. The above notification was issued by the Government on 15th September 1953. Hence, at the time of the dismissal of the complainants, the coke plant had not been exempted from the definition of a mine as given in the Mines Act 1952 by a notification issued by the Central Government. It would be only from 15th September 1953 that the coke plant ceased to be a mine as defined in the Mines Act. On the date of the dismissal of the complainants, it was a mine; because no notification had then been issued by the Central Government. That being so, it must be held that the opposite party was a party to Reference No. 6 of 1952 even so far as the coke ovens were concerned at least till 15th September 1953. If any workman working in the coke oven was dismissed before that date, Section 33 of the Industrial Disputes Act would be applicable to him. This objection raised by Mr. Singh cannot therefore be accepted.

14. Coming to the merits of the case, the complainants were dismissed on the ground that they were concerned in a theft which took place at the Acid Plant of the coke ovens. An enquiry appears to have been held by the Departmental Enquiry Committee and the report of that Committee has been produced at annexure 'B' to the written statement of the opposite party. In the course of the report, the committee has held that one Mohd Hussain and one Abdul Meah must

have been involved in the theft. They have said that it was their impression that some other workers of the coke ovens having full knowledge of the location of the pipes might have taken part in the commission of the crime. But it was difficult to exactly name them on the strength of evidence on record; but that the police had suspected Basarat and Khurshid (i.e. the present two complainants). It was on the strength of this report that a letter was written to the complainants stating that from the report of the departmental investigation committee it was observed that they had been suspected to be implicated in the theft and that the police had similarly suspected them. As mentioned above, the report of the committee clearly mentions that from the evidence before them, they could not name any other person as being concerned in the theft except Mohd Hussain and Abdul Meah. Thus the management had no evidence before them from which they could hold the complainants guilty of the particular offence. On the contrary, the report of the enquiry committee shows that on the strength of the evidence on record before them, it was difficult for them to name any person as concerned in the theft. The committee however said that the police had suspected the present complainants. Merely because the police had suspected the complainants, it could not be said that the complainants were guilty.

15. In this connection, Mr. Singh drew my attention to a remark made by the Police Officer on 16th March 1952 stating that from F.R. No. 29, dated 22nd March 1952 suspecting (1) Mohd Hussain, (2) Abdul Meah, (3) Khuraid Mian and (4) Basarat Mian was submitted. (See Annexure 'C' to the written statement of opposite parties). This would only mean that the person who had filed the complaint before the police must have stated before the police that he suspected the above persons. Merely because some person had made a vague statement of this type, it could not be said that there was evidence from which the management could hold that person guilty of the offence of theft.

16. It is true that the management was not bound by the same rules as would govern a criminal trial and even if there may not be evidence which may be sufficient to convince a criminal court for convicting the person, it would be open to the management to hold a person guilty, provided there was material from which it could come to that conclusion. Merely because the police suspected someone, it could not be said that the management had material from which they could come to the conclusion that that person was guilty. There is nothing to show that the management had inquired from the police the grounds on which they could come to the conclusion that that person was guilty. There is nothing from which the management could hold the complainants guilty and the finding of the management must be held to be perverse.

17. The result is that the complainants could not have been held guilty of the offence of theft and could not have therefore been dismissed on this ground. They therefore must be reinstated. Regarding arrears of pay, the complainants have filed the present complaint after a great delay and should not therefore be awarded any wages before the date of this complaint.

18. In the result, I direct that the complainants should be reinstated in their original posts, provided they approached the management within one month from the date of this award becoming enforceable. The complainants would also be entitled to their wages from 24th June 1954 as if they were on duty from that date. They will not be entitled to any wages before this date; but the period from their dismissal to the above date shall not constitute a break in service and will be treated as leave without pay.

I pass my award accordingly.

~~The~~ 20th November 1954.

(Sd.) L. P. DAVE, Chairman,

Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365)/I.]

S.R.O. 3586.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Sarvasri Md. Hussain and Abdul Meah, workmen, State Railway Collieries, Giridih.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 67 OF 1954

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman.*

PARTIES:

1. Md. Hussain, Coal Chaukidar, 2. Abdul Meah, Chowkidar, Giridih State Railway Colliery, C/o Coal Workers Union, Barwadih, Giridih.—*Complainants.*

Vs.

Superintendent of Collieries, Giridih, Chief Mining Engineer, Railway Board, 1, Council House Street, Calcutta.—*Opposite parties.*

APPEARANCES:

Shri Mahendra Nath Bharati, General Secretary, Coal Workers Union, Giridih.—*For the complainants.*Shri L. Singh, Welfare Officer, Office of the Superintendent of Collieries, Giridih.—*For Opposite parties.*

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainants alleged that they were dismissed on 24th July 1953 during the pendency of Reference No. 6 of 1952 without the permission of this Tribunal and hence the opposite parties had contravened the provisions of Section 33 of the Industrial Disputes Act.

3. The opposite parties urged that some theft had taken place on 15th March 1951 and on an enquiry being made by a Departmental Committee and also by the Police, it was suspected that the complainants were involved in the theft. They were therefore charge sheeted and ultimately dismissed. It was also urged that the complaint was filed after an inordinate delay.

4. Two preliminary points were raised before me by Mr. Singh on behalf of the management. The first objection was that there was an inordinate delay in filing the present complaint. The second objection was that the present complaint would not be maintainable because the complainants were working at the coke plant and the workers of the coke plant could not be said to be parties to Reference No. 6 of 1952. These very points were also raised by Mr. Singh in application No. 66 of 1954 in which case also I am passing an award today. For reasons discussed by me in detail in paragraphs 5 to 7 and 9 to 13 thereof, I am of opinion that neither of these two contentions can be accepted. I therefore reject them.

5. Coming to the merits of the case, the complainants are said to have been concerned in the theft that took place at the acid plant of the coke plant. The complainants were working as watchmen at that time. An enquiry was held by a Departmental Committee in the matter. That committee recorded several statements. One of the statements so recorded was that of one Bandu Gope who was also a watchman. That statement of Bandu Gope clearly implicated Mohd Hussain (the first complainant in the present case). If that statement was believed, there can be no doubt that the complainant No. 1 was involved in the theft.

6. It was argued that the evidence of Bandu Gope could not and should not be believed, and that it should not be taken as sufficient evidence for holding Mohd Hussain guilty of theft. I am not sitting in appeal against the decision of the management. In a case of this type, the Tribunal has only to see that there was evidence before the management from which it could come to a particular conclusion. If the management believed the evidence of Bandu Gope, which they have done and which was within their right to do, they were entitled to hold Mohd Hussain guilty. This Tribunal has no jurisdiction to consider whether the management were right in believing that evidence or not.

7. I might also mention that the management have produced a plan of the different buildings and the places where the different persons were on duty. The

complainant Mohd Hussain was on duty not far from the acid plant where the theft took place. The second complainant Abdul Meah was on duty at the acid plant itself. The theft that took place was of very heavy pipes and could not have been removed by one or two men. If the complainants were alert, they would have certainly detected the theft. In the circumstances, I think that the management were justified in holding the complainants guilty and in dismissing them.

8. In the result, I hold that the complainants are not entitled to any relief. Their complaint fails and is dismissed.

I pass my award accordingly.

The 20th November 1954.

(Sd.) L. P. DAVE, Chairman,
Central Government's Industrial Tribunal, Dhanbad.

[No. LR-2(365)/II.]

S.R.O. 3587.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri K. B. Banerjee, a workman of the Burhar Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 75 OF 1954

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman.*

PARTIES:

Shri K. B. Banerjee, Assistant Cashier, Burhar Colliery, P.O. Dhanpuri, Via Burhar, Vindhya Pradesh, Address: Achra H. E. School, P.O. Achra, Dist. Burdwan.—*Complainant.*

Vs.

The Chief Mining Engineer, Rewa Coal Fields Limited, Burhar Colliery, P.O. Dhanpuri (Vindhya Pradesh).—*Opposite Party.*

APPEARANCES:

Shri K. B. Banerjee, Complainant in person.

Shri S. S. Sharma, Auditor, Rewa Coalfields Limited, Burhar Colliery, P.O. Dhanpuri, Dist. Shahdol, Vindhya Pradesh.—*For the Opposite party.*

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that he was serving as an Assistant Cashier of the opposite party but was discharged from service by them on 23rd November 1952, during the pendency of Reference No. 6 of 1952 without the permission of this Tribunal. He urged that the opposite party had thereby committed a breach of Section 33 of the Industrial Disputes Act. He therefore filed the present complaint and prayed that proper orders may be passed in the case.

3. The opposite party raised a preliminary objection that as the complaint was filed long after the conclusion of the proceedings of the main reference, the complaint was not maintainable and the complainant was not entitled to any relief. In my opinion, the objection must be upheld.

4. As I said above, the complainant alleged that the opposite party had committed a breach of Section 33 of the Industrial Disputes Act by dismissing him during the pendency of Reference No. 6 of 1952 and thereby committed a breach of Section 33 of the Industrial Disputes Act. Section 33 of the Act prohibits an employer from discharging any workman concerned in any dispute which may be pending before a Tribunal without the express permission in writing from that Tribunal. Section 33A lays down that if an employer commits a breach of Section 33, the aggrieved employee may make a complaint in writing to the

Tribunal. This section does not provide in express terms the time during which the complaint under it should be made. But it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of Labour Appellate Tribunal in the case of *General Motors (India) Limited*, 1954, Vol. I, L.L.J., P. 676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950; but that Section is similar to Section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

5. Now, in the present case, the complainant was dismissed on 23rd November 1952. It is true that at that time Reference No. 6 of 1952 was pending and by dismissing the complainant without the permission of this Tribunal, the opposite party had committed a breach of Section 33 of the Industrial Disputes Act. It may however be noted that the present complaint was filed on 19th July 1954, that is, about 20 months after his dismissal. It may also be noted that the pendency of Reference No. 6 of 1952 was over long before this. My award in that reference has been published in the *Gazette of India* on 10th October 1953 and hence under Section 20(3) read with Section 17A of the Industrial Disputes Act, the proceedings in that reference must be deemed to have concluded from 10th November 1953. The present complaint is, as I said above, filed on 19th July 1954. In other words, the complaint was filed about eight months after the pendency of Reference No. 6 of 1952 was over and about 20 months after the dismissal of the complainant. The delay on the face of it is unreasonable.

6. At the time of hearing the complainant urged that he had not filed a complaint earlier because he had approached the Conciliation Officer and the matter was pending before him. I am very doubtful whether merely because a person has approached the Conciliation Officer, he should not have approached this Tribunal earlier. After all, the powers of Conciliation Officer are recommendatory and he could not direct an employer to re-employ a dismissed employee. On the other hand, if a dismissal is found to be wrongful, the Tribunal could pass an award directing reinstatement. Hence it should be more in the fitness of things that an aggrieved person should have approached this Tribunal rather than the Conciliation Officer and merely because he had approached the Conciliation Officer, it could not be said that the delay in his approaching the Tribunal should be considered reasonable. It may also be noted that Section 33A of the Industrial Disputes Act gives a special right to a workman to approach the Tribunal directly with a complaint and the right must be exercised within a reasonable time.

7. It may then be noted that there is nothing to show as to when the complaint was filed, when the conciliation machinery nor is there anything to show that the matter was pending for such a long time. I was told that the matter had ended in June 1953. That means that the complainant did not approach this Tribunal for more than a year after this. On the whole, therefore, I think that the complaint has been filed after an unreasonable delay and must be dismissed.

8. On merits, it is an admitted fact that the complainant was paid Rs. 40 by a peon on 23rd February 1952. The charge against him was that he failed to deposit this amount in the accounts of the opposite party. His explanation was that he did not remember anything about it and that he must have recorded the money in his hand cash book which was meant for noting items which were kept in suspense. He further urged that this book was stolen in August 1952. It is unlikely that an amount which was given to the peon for payment of road tax and was returned by him as it could not be paid in the treasury on the very day, should have been kept in the suspense account for over six months. I was told by the opposite party that the amount of road tax was actually been paid after some days after debiting the amount afresh showing thereby that the above amount had not been accounted for by the complainant. In any case, looking to the reply given by the complainant to the charge sheet served on him, I think that the opposite party could come to the conclusion that the complainant was guilty of the offence with which he was charged. There is no allegation of want of *bona fides* victimisation, or unfair labour practice. In the circumstances, this Tribunal would not be justified in interfering with the finding arrived at by the opposite party.

9. On the whole, the complaint fails firstly on the ground that it has been filed after an unreasonable delay and secondly on the ground that the employer had evidence before it from which it could hold the complainant guilty.

10. In the result, the complaint fails and is dismissed. I pass my award accordingly.

The 22nd November 1954.

(Sd.) L. P. DAVE, *Chairman*,
Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365)III.]

New Delhi, the 9th December 1954

S.R.O. 3588.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Sarfuddin Khan, a workman of the Sripur Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 47 OF 1954

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/s 33A of Industrial Disputes Act, 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman*.

PARTIES:

Sarfuddin Khan, Car Driver, Sripur Colliery, P.O. Kalipahari, C/o Koyala Mazdoor Panchayat, Jharia.—*Complainant*.

Vs.

Agent, Sripur Colliery, Lodna Colliery Co. (1920), Ltd., P.O. Kalipahari, Dist. Burdwan.—*Opposite party*.

APPEARANCES:

Shri Sunit Kumar Dutta, Assistant Secretary, Koyala Mazdoor Panchayat, Jharia, Dist. Manbhum.—*For the complainant*.

Mr. Cecil Evans and Shri U. S. Majumdar.—*For the opposite party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that he was discharged from service by the opposite party from 20th August 1953 without the permission of this Tribunal during the pendency of Reference No. 6 of 1952, thereby the opposite party had contravened the provisions of Section 33 of the Industrial Disputes Act. Hence the complaint.

3. The opposite party alleged that the complainant was habitually found guilty of indiscipline and bad and negligent work, and it was therefore found that he could not be retained in service. When he found this, he left the service of his own accord and hence the opposite party has not committed a breach of Section 33 of the Industrial Disputes Act.

4. At the hearing before me, the parties produced a memorandum of agreement entered into between them. Thereunder the complainant has given up his claim for reinstatement but is to be paid Rs. 275 (rupees two hundred and seventyfive) by the opposite party. In my opinion, the compromise is fair and reasonable.

5. I therefore pass an award in terms of the compromise, a copy of which is attached herewith.

The 24th November 1954.

(Sd.) L. P. DAVE, *Chairman*,
Central Government's Industrial Tribunal, Dhanbad.

[No. LP--2(365)/II.]

BEFORE THE CHAIRMAN, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, DHANBAD

IN THE MATTER OF APPLICATION NO. 47 OF 1954, UNDER SECTION 33A OF
INDUSTRIAL DISPUTES ACT

Applicant—Sarfuddin Khan

Vs.

Opposite Party—The Agent, Sripur Colliery, Lodna Colliery Co. (1920) Ltd.

The above matter has been amicably settled between the parties on the following terms:—

- (i) That the applicant does not want to press the above application and the same is hereby withdrawn.
- (ii) That the applicant gives up his claim for re-instatement.
- (iii) That the opposite party will pay the applicant a sum of Rs. 275- (Rupees two hundred and seventy five) only for the above consideration.

It is therefore, prayed that the application may kindly be disposed of and an award passed on the above terms.

(Sd.) U. S. MAZUMDAR,
for Agent, Sripur Colliery.
24-11-1954.

(Sd.) SARFUDDIN KHAN,
(Signed in Hindi).
Explained the contents in Hindi and
signed in my presence.

(Sd.) SUNIL KUMAR DUTTA.
24-11-1954.

Filed.

(Sd.) L. P. DAVE, *Chairman*,
Central Government's Industrial Tribunal, Dhanbad.
24-11-1954.

[No. LR-2(365)/II.]

New Delhi, the 11th December 1954

S.R.O. 3589.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri George Mani, a workman of the West Bokaro Colliery of West Bokaro Limited.

THE ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)
SITTING AT CALCUTTA.

PRESENT

Shri J. N. Majumdar,—*Chairman*.

Shri H. R. Batheja,—*Member*.

Shri S. P. Chopra,—*Member*.

APPLICATION NO. 12 OF 1954 U/S 33A OF INDUSTRIAL DISPUTES ACT, 1954

Shri George Mani,—*Applicant*.

Vs.

The Deputy Agent, West Bokaro Colliery—*Opposite Party*.

APPEARANCES

For the Applicant.—Shri B. Roy, General Secretary, West Bokaro Colliery Workers' Union.

For the Opposite Party.—Shri S. C. Sen, Advocate.

AWARD

Dated the 24th November, 1954.

This is an application under section 33A by Shri George Muni, M.T. Driver, an employee of the West Bokaro Colliery of West Bokaro Ltd. The complaint is that he was transferred to Central Kerkend Colliery of Central Kerkend Co., Ltd. The Company relies upon the Standing Orders, Rule 26, which entitles the Managing Agents to transfer an employee from one colliery to another provided both of them are under the same Managing Agency. It is stated in the written statement that both these collieries are under the same Managing Agents. The applicant's service conditions have not changed by this transfer.

In view of these facts, we are of opinion that there has been no contravention of section 33 of the Industrial Disputes Act, 1947.

The application under section 33A is dismissed.

(Sd.) J. N. Majumdar, *Chairman.*

(Sd.) H. R. Batheja, *Member.*

(Sd.) S. P. Chopra, *Member.*

[No. LR2(107)/54.]

S.R.O. 3590.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri Sitaram Missir, a workman of the Raligara Colliery.

THE ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)

SITTING AT CALCUTTA

PRESENT

Shri J. N. Majumdar,—*Chairman.*

Shri H. R. Batheja,—*Member.*

Shri S. P. Chopra,—*Member.*

APPLICATION No. 17 of 1954 U/s 33A OF INDUSTRIAL DISPUTES ACT, 1947
Sitaram Missir,—*Applicant.*

Vs.

The Management, Religara Colliery,—*Opposite Party.*

APPEARANCES

Shri Suraj Nath Missra, General Secretary, Religara Coal Mazdoor Sewa Sangh—*For the Applicant.*

Shri D. Bose Thakur, Solicitor (instructed by M/s. Orr Dignam & Co.)—*for the Opposit Party.*

AWARD

Dated the 24th November, 1954.

This is a complaint under section 33A of the Industrial Disputes Act, 1947 by Sitaram Missir, a brick-field Chaprasi of Raligara Colliery. The written statement of the Company is also before us.

The application was taken up for hearing, when the parties filed before us a compromise memo. As such an Award will follow in terms of the compromise, which are as follows:—

“That both the parties have amicably settled the above Case as follows:—

(a) That the Company will take back the Complainant, i.e. Sitaram Missir on his reporting to the Raligara Colliery on the 20th October, 1954.

(b) That the Complainant will be given work as a brick-field Chaprasi only for one month and thereafter the Company will be at liberty to transfer him to any other department as a Chaprasi but on the same emoluments.

(c) That the period from 2nd of May, 1954 to 19th October, 1954 will be treated as suspension without pay.

In the circumstances it is humbly prayed that an award may be made to that effect.

(1) (Sd.) SITARAM MISSIR,
The 18th October, 1954.

(1) (Sd.) PRO. F. W. HEILGER & Co.
LTD. D.H.A. Stride.
The 18th October, 1954.

(2) (Sd.) S. K. MISHRA, General
Secretary, Raligara Coal Mazdoor
Sewa Sangh (Regd. No. 391).
The 18th October, 1954.

(2) (Sd.) D. BASU THAKUR, Solicitor;
for the Company.
The 18th October, 1954.

(Sd.) J. N. MAJUMDAR, *Chairman.*

(Sd.) H. R. BATHEJA, *Member.*

(Sd.) S. P. CHOPRA, *Member.*

[No. LR 2 (107) /54-I.]

S.R.O. 3591.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri Santa Thakur and 4 others, workmen of the West Bokaro Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)

SITTING AT CALCUTTA.

PRESENT

Shri J. N. Majumdar—*Chairman.*

Shri H. R. Batheja—*Member.*

Shri S. P. Chopra—*Member.*

APPLICATION NO. 22 OF 1954 UNDER SECTION 33A OF INDUSTRIAL DISPUTES ACT, 1947.
Santa Thakur, R. R. Prosad, J. Singh, H. Singh & Khadim Rasool.—
Applicant.

Vs.

The Deputy Agent, West Bokaro Colliery—*Opp. Party*

APPEARANCES

For the Opposite Party.—Shri S. C. Sen, Advocate.

AWARD

Dated the 24th November, 1954.

This is a complaint under section 33A of the Industrial Disputes Act, 1947 by Santa Thakur & 4 Others, who are workmen of the West Bokaro Colliery. The written Statement of the company is also before us.

None of the workmen appeared before us. 4 out of the 5 applicants sent a letter to the office of the Tribunal in which they said that they desire to withdraw the complaint. In regard to the 5th applicant—Khadim Rasool, a letter was written by the office of this Tribunal enquiring whether he was not joining with the 4 others, to which there was no reply.

In these circumstances, we order that the complaint is allowed to be withdrawn so far as the 4 applicants are concerned and as regards the 5th one, Khadim Rasool, the complaint is dismissed.

(Sd.) J. N. MAJUMDAR, *Chairman.*

(Sd.) H. R. BATHEJA, *Member.*

(Sd.) S. P. CHOPRA, *Member.*

[No. LR2(107)/54-II]

S.R.O. 3592.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Kirity Bhusan Biswas, a workman of the Kargali Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

APPLICATION No. 274 of 1954.

(arising out of Reference No. 6 of 1952)

Application U/s 33A of the Industrial Disputes Act, 1947

PRESENT

Shri L. P. Davc, B.A.L.L.B.,—*Chairman.*

PARTIES

Kirity Bhusan Biswas, Working as M. F. Mazdoor, Kargali Colliery, P. O. Bermo, Distt. Hazaribagh.—*Complainant.*

Versus

Colliery Manager, Bokaro Colliery, P. O. Bermo, Dist. Hazaribagh.—*Opposite Party.*

APPEARANCES

Shri M. K. Sinha, Secretary, State Railway Collieries, Mazdoor Union, P. O. Bermo, Dist. Hazaribagh.—*For the complainant.*

No notice issued to the opposite party.

AWARD.

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that the opposite party stopped him from work from 8th June, 1953, but that later on through the intervention of the Conciliation Officer, he was allowed to work from 8th October, 1953. He was not paid any wages from 8th June, 1953 to 7th October, 1953. The opposite party thereby changed the conditions of his service without obtaining the express permission in writing from the Tribunal, though Reference No. 6 of 1952 was pending at that time. Hence he filed the present complaint on 14th September, 1954.

3. A notice was issued to the complainant to state why the complaint was filed after such a long time and why it should not be dismissed as having been filed after an unreasonable delay. In reply thereto, he stated that he had made several representations to the opposite party and it was on 24th August, 1954 that he got a final reply from them. He further stated that he had approached the Conciliation Officer and the Conciliation Officer got a similar reply from the opposite party on 30th May, 1954, and the delay in filing the complaint was due to this.

4. The complainant was thereupon asked to produce copies of all the letters written by him and replies received by him in the matter. He has accordingly produced some letters. He was also heard in the matter today. After hearing him, I have come to the conclusion that the complaint has been filed after an unreasonable delay and must be dismissed on that ground.

5. As I said above, the complainant has filed this complaint under Section 33A of the Industrial Disputes Act, alleging that the opposite party had committed a breach of Section 33 of the Industrial Disputes Act by changing his service conditions during the pendency of Reference No. 6 of 1952. Section 33 of the Act prohibits an employer *inter alia* from changing the service conditions of any workman concerned in any dispute which may be pending before a Tribunal without the express permission in writing from that Tribunal. Section 33A lays down that if an employer commits a breach of Section 33, the aggrieved employee may make a complaint in writing to the Tribunal. This section does not provide in express terms the time during which the complaint thereunder should be made; but it does not give a right to an aggrieved workman to make a complaint after an indefinite period. It is implicit in the Section that the complaint must be made within a reasonable time of the act complained of. The true position would be that a complaint under this Section must be made as far as possible during the pendency of the proceedings and if it is made after such pendency, it should be made within a reasonable time. See the decision of Labour Appellate

Tribunal, in the case of General Motors (India) Ltd. 1954, Vol. I, L.L.J., p. 676. It is true that this was a case under Section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950; but that section is similar to Section 33A of the Industrial Disputes Act and the principles laid down in the above case would also be applicable to the present case.

6. In the present case, the complaint has been filed on 14th September, 1954. The complainant is said to have been suspended from 8th June, 1953 to 7th September, 1953. Even taking the latter date as the date which gave him a cause of action to file the present complaint, it would mean that he has filed the complaint more than eleven months thereafter. The proceedings in reference No. 6 of 1952 concluded from 10th November, 1953 and that would mean that the complaint has been filed more than ten months after the conclusion of the proceedings. On the face of it, therefore, the complaint has been filed after an unreasonable delay.

7. It was argued that the complainant was having correspondence with the opposite party and that is why he did not file the complaint earlier. He has produced copies of three letters addressed to the opposite party on 4th December, 1953, 6th February, 1954, and 13th July, 1954 respectively. He has also filed a reply of the opposite party dated 24th August, 1954. So far as the letter dated 4th December, 1953 concerned, I am not satisfied that the complainant sent in any such letter. He has not referred to any such letter having been sent by him in the letter dated 6th February, 1954, nor in the letter dated 13th July, 1954. In this connection, it may be noted that in the letter dated 13th July, 1954, he has mentioned that he had written a letter on 6th February, 1954. Similarly if he had written a letter on 4th December, 1953. I am sure he would have referred to it in his letters dated 6th February, 1954 and/or 13th July, 1954. I am not satisfied that the complainant wrote any letter on 4th December, 1953 as alleged.

8. It is true that the complainant did write a letter to the opposite party on 6th February, 1954. He got no reply thereto and sent a reminder more than five months thereafter, and he got a reply to it on 24th August, 1954. In any opinion, he should not have waited for four months before making a representation to his superiors. In any case, he should not have waited for such a long time before coming to the Tribunal. All that he should have done was to have made a representation to the opposite party within a reasonable time and should have waited for a reasonable time for getting a reply. If he did not get a reply within a reasonable time, he should have come to the Tribunal immediately, especially when the proceedings in Reference No. 6 of 1952 had already ended by that time. Instead of that, he made a representation four months after he was reinstated. He waited for five months after making the representation and then sent a reminder. He got a reply more than a month after the reminder and after that he filed the present complaint. In the circumstances, the delay must be deemed to be unreasonable.

9. It was then said that he had approached the Conciliation Officer and that is why he did not file a complaint earlier. He has produced a letter from the Conciliation Officer which shows that he had written to the Conciliation Officer only on 13th July, 1954. There is nothing to show that he approached the Conciliation Officer prior to this. In other words, he approached the Conciliation Officer more than nine months after he was reinstated. This delay was also unreasonable and it could not be an excuse for his not having filed a complaint before this Tribunal earlier.

10. No other reason was shown for the delay in filing the complaint. As I mentioned above, the complaint has been filed more than ten months after the conclusion of proceedings in Reference No. 6 of 1952 and more than eleven months after the complainant was reinstated. The delay is unreasonable and the complaint must therefore be dismissed. I pass my award accordingly.

(Sd.) L. P. DAVE, *Chairman.*

Central Governments Industrial Tribunal Dhanbad

The 25th November 1954.

[No. LR-2(365)/I.]

New Delhi, the 13th December 1954

S.R.O. 3593.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri Purushottom Pandey, a workman of the Kargali Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)
SITTING AT CALCUTTA

PRESENT:

Shri J. N. Majumdar, *Chairman*.

Shri H. R. Batheja, *Member*.

Shri S. P. Chopra, *Member*.

APPLICATION No. 53 OF 1954 U/S. 33A OF THE INDUSTRIAL DISPUTES ACT, 1947

Purushottom Pandey—*Applicant*.

Vs.

The Manager, Kargali Colliery—*Opposite Party*.

Dated the 19th November 1954

APPEARANCES:

For the Applicant—Shri B. Roy, General Secretary, Chhotonagpur Coal Field Workers' Union.

For the Opposite Party—Shri A. K. Mukherjee, Junior Govt. Counsel.

AWARD

There is no material on this application to satisfy us that there was a contravention of Section 33. In the circumstances the application is dismissed.

(Sd.) J. N. MAJUMDAR, *Chairman*.

(Sd.) H. R. BATHEJA, *Member*.

(Sd.) S. P. CHOPRA, *Member*.

[No. LR.2(107)/54-I.]

S.R.O. 3594.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri R. P. Sinha and four others, workmen of the Kargali Collieries.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)
SITTING AT CALCUTTA

PRESENT:

Shri J. N. Majumdar, *Chairman*.

Shri H. R. Batheja, *Member*.

Shri S. P. Chopra, *Member*.

APPLICATION No. 13 OF 1954 U/S 33A OF THE INDUSTRIAL DISPUTES ACT, 1947

1. R. P. Sinha, 2. S. K. Mishra, 3. B. K. Ghose, 4. Manindra Singh, and
5. Pronab Kumar Chatterjee—*Applicants*.

Vs.

The Chief Mining Engineer, Railway Board—*Opposite Party*.

APPEARANCES:

For the Applicant—Shri B. Roy, General Secretary, Chhotonagpur Coal Field Workers' Union.

For the Opposite Party—Shri A. K. Mukherjee, Junior Govt. Counsel.

AWARD

Dated the 19th November 1954

This is a complaint on behalf of R. P. Sinha & 4 others, who are employed as staff of Kargali Collieries. The applicants' case is that they are entitled to free quarters and free electricity during the period of their employment. But the Chief Mining Engineer, Railway Board, who is the administrative head of the

Department has made deductions from their salaries with effect from 1st of May 1953, towards house rent and electricity.

The Chief Mining Engineer, to his written statement, has annexed certain copies of the orders made by the Ministry, by which it was decided that the staff employed after 1st June 1944, would not be entitled to free quarters or free electricity.

The complainants are staff who were appointed after 1st June 1944, and evidently they are affected by this order. Representation was made on behalf of the staff employed after the 1st of June 1944 and the Ministry considered their representation and expressed the view that free quarters and free electricity enjoyed by the staff recruited before that date cannot be made applicable to those recruited after that date. That order was made on the 28th of February 1952 and the same has been in force all along.

Assuming that the complainants' case is true, it is clear that the change in the conditions of service has been effected in pursuance of the order of the Ministry the latest date of which is 28th February 1952. The change in the conditions of service not having therefore taken place during the pendency of the proceedings of this Tribunal, there has been no contravention of section 33 and the application must be dismissed.

(Sd.) J. N. MAJUMDAR, *Chairman*.

(Sd.) H. R. BATHEJA, *Member*.

(Sd.) S. P. CHOPRA, *Member*.

[No. LR-2(107)/54-II.]

S.R.O. 3595.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri Abdul Gani Khan, a workman of the Swang Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)

SITTING AT CALCUTTA

PRESENT:

Shri J. N. Majumdar, *Chairman*.

Shri H. R. Batheja, *Member*.

Shri S. P. Chopra, *Member*.

APPLICATION No. 23 OF 1954 U/S 33A OF INDUSTRIAL DISPUTES ACT, 1947

Abdul Gani Khan—*Applicant*.

Vs.

The Manager, Swang Colliery—*Opposite Party*.

APPEARANCES:

For the Applicant—Shri B. Roy, General Secretary, Chhotonagpur Coal Field Workers' Union, H.O. Kargali, P.O. Bermo, Dist. Hazaribagh.

For the Opposite Party—Shri Amiya Mukherjee, Junior Govt. Counsel.

AWARD

Dated the 24th November 1954

The applicant was working as a Surface Munshi in the Swang Colliery. The complaint is that by a letter dated 14/16th January 1954 the applicant was asked to retire from 1st July 1954 because he completed the age of 55 years. The contention on behalf of the applicant is that this was a forcible retrenchment. He was governed by the Conciliation Board Award and as such was not bound to retire at the age of 55. It has been stated by Shri Roy that this is a test case and adjudication is wanted on the question as to whether in this Company the employees should have to retire on completion of the age of 55 years. No allegations of *malafides* on the part of the Company have been made.

The Company's case is that the applicant was nonpensionable inferior servant and governed by the Railway Board's order contained in its letter No. E.38-RT.

22(2), dated the 8th August 1940, under which he is to retire on attaining the age of 55 years. The applicant attained the age of 55 years on 1st July 1954 and, therefore, automatically retires according to the condition of service applicable to him.

The Conciliation Board Award does not help him. The age of retirement was not considered in the Award. The Railway Board's letter is clear on the point and we cannot hold that this is case of forcible retrenchment.

Application is dismissed.

(Sd.) J. N. MAJUMDAR, *Chairman*.

(Sd.) H. R. BATHEJA, *Member*.

(Sd.) S. P. CHOPRA, *Member*.

[No. LR2(107)54-III.]

S.R.O. 3596.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri P. C. Chakravarti, Workshop Incharge, West Bokaro Colliery.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES)

SITTING AT CALCUTTA

PRESENT:

Shri J. N. Majumdar, *Chairman*.

Shri H. R. Batheja, *Member*.

Shri S. P. Chopra, *Member*.

APPLICATION No. 35 of 1954 U/S 33A OF INDUSTRIAL DISPUTES ACT, 1947

P. C. Chakravarty—*Applicant*.

Vs.

The Deputy Agent, West Bokaro Colliery—*Opposite Party*.

APPEARANCES:

For the Applicant—Shri Balaram Roy, General Secretary, West Bokaro Colliery Workers' Union.

For the Opposite Party—Shri S. C. Sen, Advocate.

AWARD

Dated the 24th November 1954

This is a complaint by one P. C. Chakravarty, Workshop Incharge, West Bokaro Colliery, P.O. Ghatotand, Hazaribagh, against his employers West Bokaro Colliery alleging that he was transferred from the Mines Car Section to the Moulding Section and that this amounted to a contravention of section 33 of the Industrial Disputes Act, 1947. It is needless to refer either to his claim for over-time which was not pressed nor to the detailed written statement of the management which, in the view, we have taken of the case does not arise for detailed consideration.

The main contention of workman was that he was Workshop-In-Charge working in the Mine car section and on his being transferred to the Moulding section, his condition of services were altered to his prejudice. He further argued that he had been demoted from the post of a Workshop-In-Charge to that of section-in-charge. At the same time, however, it was conceded that the terms of appointment of the workman had not been affected. The suggestion that Rs. 50 had been paid as an additional increment to the Assistant Loco Engineer for taking charge of Mine Car section seems irrelevant in this case. The Company seems to have been within its rights to transfer the workman from one section to the other and there is no infringement of section 33 in this case. We, therefore, pass an award dismissing the complaint.

(Sd.) J. N. MAJUMDAR, *Chairman*.

(Sd.) H. R. BATHEJA, *Member*.

(Sd.) S. P. CHOPRA, *Member*.

[No. LR2(107)/54-IV.]

S.R.O. 3597.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Colliery Disputes) in the matter of an application under section 33A of the said Act from Shri Mohd. Ali, a workman of the Kargali Colliery Power House.

ALL INDIA INDUSTRIAL TRIBUNAL (COLLIERY DISPUTES),
CALCUTTA

In the matter of an application under section 33A of the Industrial Disputes Act, 1947

APPLICATION No. 52 OF 1954

PRESENT

Shri J. N. Majumdar, *Chairman*.

Prof. H. R. Batheja, *Member*.

Shri S. P. Chopra, *Member*.

PARTIES:

Md. Ali, Boiler Attendant, Kargali Colliery Power House—*Complainant*.

Vs.

The Manager, Kargali Colliery—*Opposite Party*.

APPEARANCES:

Shri B. Roy, General Secretary, C.C. Workers' Union—*For Complainant*.

Shri A. Mukherjee, Junior Govt. Counsel—*For Opposite Party*.

AWARD

Dated the 24th November 1954

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 by Md. Ali, who was Boiler Attendant employed in the Kargali Power House.

2. The ground of his complaint is that he was the senior-most certificate holder Boiler Attendant of the Kargali Colliery Power House and his promotion became due, according to the procedure of the Company, as three posts of Shift Chargemen fell vacant, but his promotion was stopped and a junior man was promoted in his place. There has been, therefore a change in the conditions of his service, during the pendency of this reference, without express permission in writing of this Tribunal and consequently, section 33 has been contravened.

3. The Manager of the Kargali Colliery in his written statement has stated that the complainant has no knowledge of English language and no knowledge of electricity and electrical plants and machineries. Although he possesses a Boiler Certificate. The requisite qualifications of a shift chargeman are that he should possess a Boiler Certificate, should have a fair knowledge of English so that he can submit the necessary reports under the Electricity Rules and also should have knowledge of electricity and electrical plants and machineries. Md. Jan was appointed in his place because the management considered that he possessed all the necessary qualifications for this post. The matter of promotion is entirely a management function and if the management has exercised its discretion properly the Tribunal should not interfere in their discretion.

4. In this case there is no allegation nor any materials placed to satisfy us that the management exercised its discretion in any improper way or with a view to victimise the complainant.

We, therefore, dismiss the application.

(Sd.) J. N. MAJUMDAR, *Chairman*.

(Sd.) H. R. BATHEJA, *Member*.

(Sd.) S. P. CHOPRA, *Member*.

S.R.O. 3598.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the dispute between the employers in relation to the Birmitrapur and the Bara Jamda mines of Bird & Co. Ltd., and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 4 OF 1954.

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman*

PARTIES:

The employers in relation to the Birmitrapur and the Bara Jamda Mines of Bird & Co. Ltd.

AND

their workmen.

APPEARANCES:

Shri K. B. Bose, Barrister-at-Law, Counsel,
and

Shri Basu Thakur, Solicitor, M/s. Orr. Dignam & Co., Solicitors, Calcutta—*For the Employers.*

Shri Kanti Mehta, Secretary, Indian National Mine Workers' Federation, opposite Imperial Bank, Dhanbad—*For the workmen.*

AWARD

By Government of India, Ministry of Labour, Order No. LR.4(384)/53, dated 19th April, 1954, an industrial dispute existing between the employers in relation to the Birmitrapur and the Bara Jamda mines and their workmen regarding the question whether the workmen employed in these mines were entitled to 10 days holidays per annum with wages for festivals in addition to the leave with wages admissible to them under the provisions of the Indian Mines Act, was referred for adjudication to this Tribunal.

2. Usual notices were issued to the parties. The Gangpur Labour Union filed its memorandum Exhibit 4 regarding the demands made by the workmen of the Bisra Stone Lime Co. Ltd., Birmitrapur (i.e. Birmitrapur Mines). The management's reply thereto is Exhibit 9. The Keonjhar Mines and Forest Workers' Union filed its statement Exhibit 11 on behalf of the workmen of the Bara Jamda mines. The management's reply thereto is Exhibit 12.

3. So far as Birmitrapur Mines is concerned, it is an admitted fact that the workmen were being given ten days holidays with pay every year from 1948 to 1952. The Mines Act (XXXV of 1952) was passed on 15th March, 1952 and came into force from 1st July, 1952. Section 51 of the Act provided that every person employed in a mine who had completed a period of twelve months' continuous service therein should be allowed, during the subsequent period of twelve months, leave with pay or wages based on the average pay or wages for the twelve months immediately preceding the leave and such leave was to be fourteen days per year in the case of monthly rated employees and seven days per year in the case of weekly rated employees and also in the case of loaders and underground piece-rated workers. The workmen allege that after the Mines Act, 1952, came into force, the management discontinued giving of ten holidays per year, which were being given till then, but said that it would give leave to the workmen as provided in the Mines Act and would also give three days festival leave every year. The workmen urge that the management was not justified in doing this and that the workmen should be continued to be given ten holidays during the year as before, in addition to the leave facilities laid down in the Mines Act. The contentions of the management is that what was being given to the workmen previously was ten days leave per year; but for the sake of convenience of the workmen themselves, the management agreed that they were to be given leave on ten specific days every year. In other words, according to the management, the ten off days with pay were given by way of leave and not as festival holidays. They therefore urge that with the introduction of the Mines Act, they were justified in saying that they would now give leave according to

the provisions of the Mines Act, which allowed only seven days leave; but the management agreed to give three holidays every year making the total as before.

4. In the case of the Bara Jamda mines, the matter is slightly different. According to the written statement of the workmen of these mines, they were being given six festival holidays by the management. The workmen urged that the management should continue not only these six festival holidays which were previously granted by them but it should also give four more public holidays as notified by the Government and thus allow ten festival holidays to the workmen in addition to the provisions of leave made in the Mines Act. The management's case in relation to these mines is that they used to give four to five days' leave per year to the workmen and that this practice was going on for three or four years before the promulgation of the Mines Act 1952. As the Mines Act has made statutory provision for granting of leave to the workmen, the management is now following the provisions of the said Act and the workmen are not entitled to any festival holidays in addition to the leave provided for in the Mines Act.

5. Taking the case of the Birmitrapur mines first, it is, as I said above, an admitted fact that since 1948 the workmen in these mines were being given ten off days with pay per year. According to the workmen, these ten days were given to them as festival days; while according to the management, they were given as leave. In this connection, the case of the management as put forward at the hearing is somewhat different from the case alleged in the written statement. In the written statement, it was alleged that "sometime in 1948, the company introduced the practice of granting annually leave for a number of days with wages to its workmen. The said provision was voluntarily introduced with the object of giving the workmen some leave facilities during a year with wages. On this basis the company decided to give ten days leave with pay during the year when the workmen would be getting their wages without work. At the request of the workmen, the said ten days however were distributed during the year on specified days to be fixed by negotiation. Following this principle there has always been an agreement between the company and its workmen before the commencement of the calendar year for selecting the ten days for such leave with wages during the following year". At the hearing, in the evidence of Mr. Marcheselli, Superintendent of Mines Exhibit 36, a slight change was made in these allegations. He stated "early in 1948, the Labour Union addressed a letter to the company making several demands. As a result, we invited the Union President Mr. Goswami for personal discussion. He had discussions with the then Manager Mr. Halloran and myself. Mr. Halloran is now dead. As a result of the discussions, it was agreed that in the beginning of every year, the Labour Union would select ten days for that year on which days the workmen would get leave with pay. The ten days chosen were festival holidays which were usually celebrated by the labourers working in our mine. We agreed to this, on condition that the workmen concerned should be on our muster rolls and should work on the day preceding the holiday and also on the day succeeding the holiday before he could claim leave with pay for that holiday. It was the choice of our labourers that they wanted leave for one day at a time".

6. It was argued by Mr. Mehta on behalf of the workmen that the evidence of Mr. Marcheselli about the alleged discussions and agreement should not be accepted, because he could not have been present at any such discussion. It may be noted that at the time of the alleged discussion, Mr. Marcheselli was only a Sectional Officer. Normally therefore it is unlikely that he should have been present when discussions between the manager and labour union leaders were being held. Mr. Marcheselli has admitted that they usually keep the minutes of the meetings they have with the union labour leaders and that such minutes must have been kept in the present case also, and that they must most probably be in the office at Birmitrapur. The said minutes have not been produced and an adverse inference must be drawn against the management for this.

7. I may also mention that according to Mr. Marcheselli, the labour union had addressed a letter to the company in 1948, as a result whereof the above discussions are said to have been held. The said letter has not also been produced. Mr. Marcheselli has further stated that they had documentary evidence to show that ten days were to be given as leave but were to be enjoyed on festival holidays. No such document has been produced in the case and the obvious inference is that there was no such document. I do not believe that there was a specific agreement that the workmen were to be given leave for ten days per year on specific days selected by the union.

8. Before proceeding further, I may point out that there is a difference and distinction between giving of leave and giving of holidays. Of course, in both

cases, a person does not work on these days, and still he is ordinarily given pay for the day. Holidays are meant for celebrating certain festival days. Some holidays may be observed by the entire nation, and some by particular sections thereof. For instance, the Independence Day and the Republic Day are holidays of national importance. Diwali, Ramzan Id, Easter, Pateti, etc. are holidays observed by particular sections of the community. Similarly, there may be holidays like May Day. There may be different holidays at different places, depending on the population residing in that locality. But the idea underlying a holiday is that it is a festival day which is celebrated by the public or of a particular section of the public. Leave is meant for the needs of an individual. He may require leave to celebrate a marriage or to attend some function at some friend's place or because he or a member of his family may be ill or the like. A person cannot ordinarily foresee as to when he would require leave. He may require leave for one or more days at a time. In the case of holidays, the days are known beforehand and their number is ordinarily one day at a time. Giving of holidays would not therefore meet the needs of an individual for leave.

9. A provision is made in the Indian Mines Act for giving of leave to the workmen, so that they could utilise the leave for their personal needs. Giving of holidays would not be said to amount to giving of leave. It would not serve the purpose for which leave is meant, nor would it meet the requirements of the employees. If a holiday is given, the entire establishment is closed; and every employee, whether he wants it or not, gets an off day on that day; but he would not get an off day at a time when he really needs it. Actually, there may be cases, where a person gets an off day on a day, which may not be a festival day for him. For instance, a holiday given on "Diwali" or "Durga Puja" would not be a day of festival for a non-Hindu. Still, he would get an off day on that day, and would not get an off day or leave when he needs it. Thus giving of holidays with pay does not serve the purpose for which an employee is to be given leave.

10. In the case of leave, a person can get it only after serving for a particular period; but he can enjoy a holiday even if it falls on the very next day after he joins service.

11. In the present case, I am satisfied that the workmen were given 10 days as off days per year to celebrate festival days and not as leave. This would be clear from the documentary evidence produced in this case. I may mention at this stage that the union had filed several documents with their written statement and some more were produced by them on the date of hearing. The management, on the other hand, did not file any documentary evidence. They have however produced some documents after the hearing of the case was over. Out of the documents so produced by the management after the hearing of the case was over, only a few relate to Birmitrapur mines. I shall refer to them at the appropriate place.

12. The first document in point of time is document No. 2(a) produced by the management after the hearing. It consists of a letter written by the union on 27th April, 1948 making a request that 1st May, 1948 may be declared a holiday for celebrating May Day. The management's reply to this is dated 30th April, 1948 stating that they had received the letter of the union on that day i.e. 30th April, 1948 at 10-15 A.M. and they therefore regretted that they could not accede to the request as all wagons had been indented by them from the railway for the next day's loading and they also pointed out to the union that it would not be possible to arrange a complete close down of the works at such short notice. These letters only show that the union requested a holiday on the 1st May to celebrate the May Day and the request was not granted because it was made at short notice. It is however an admitted fact that the workmen were given 10 holidays per year from 1948 to 1952. The above letter clearly shows that the above holiday was asked for celebrating a day of importance.

13. The next documents in point of time are Exhibit 16 produced by the union and the document produced at Serial 3 by the management. Exhibit 16 is a report from the Labour Inspector to the Regional Labour Commissioner made on 2nd March, 1950. It appears that there was some misapprehension of strike at the Birmitrapur regarding certain demands and the Labour Inspector visited the place and discussion was held between the representatives of the employer and the labour union and the decisions of the discussions on the various points have been mentioned in this letter. Item No. 7 thereof deals with privilege leave and the decision taken was "the management agreed to do the needful in consultation with the Tata's rules". This shows that the workmen demanded

privilege leave and the management agreed to do the needful in consultation with the Tata's rules. It may be remembered that ten off days per year were already given to the workmen before this. If these days were given to them by way of leave, the management would have immediately said that this demand of the workmen was not tenable because they were already being given leave. They did not raise such a contention but agreed to do the needful after consulting the rules of another concern. Indirectly, therefore, they admitted that the off days were not given by way of leave.

14. It is in connection with this that the management have produced Document No. 3 after the arguments were over. Apart from the fact that it is produced at a late stage, I may point out that this document is a letter said to have been written by the management to the union on 22nd June, 1950 attaching some notes showing progress made in the implementation of the terms of the above agreement. Under para. 7 of the demands, they have stated that daily paid employees were already granted eleven days per year as paid holidays and that the monthly paid employees got 30 days and 15 days leave per year. It was further mentioned that leave rules would be included in the Standing Orders. In my opinion, this was an indirect attempt to back out from the agreement entered into by them before the Conciliation Officer as mentioned in Exhibit 16. It is significant to note that no mention is made to the Tata's rules. It is also significant to note that it does not mention that the workmen were given ten days per year as leave but it only mentioned that they were given eleven days a year as paid holidays. In other words, the present allegation that giving of ten off days per year was for leave is an afterthought and is not supported by the above documents produced by the management themselves.

15. Exhibit 17 is a letter written by the management to the President of the Labour Union on 2/3 November, 1951 drawing his attention to the serious voluntary absenteeism that occurred after the festival holidays. It also mentioned that at the time of Diwali holiday, the labour figure of a particular quarry of theirs had dropped by some 500 heads. This shows that the holiday was given for festival holiday and not by way of leave. The letter Exhibit 18 is also written by the management to the Union on 6/7th February, 1952. It is head as "Holidays with pay". In the letter it is mentioned that the management had approved of ten days paid holidays per year. This also shows that the days were given as holidays and not by way of leave. Exhibit 19 is a letter written by the management on 7/8th January, 1952. It is also head as "Holidays with Pay". It is mentioned in it that the dates mentioned therein were proposed to be observed as public holidays with pay in 1952, and that the date mentioned against each holiday was subject to change according to the local conditions. This would also show that the days were given for celebrating festival days and not by way of leave. The management have produced a document at Serial No. 4 which purports to be a letter written by the management to the union on 16th November, 1951 forwarding their replies to the resolutions passed by the workmen in their meeting held on 12th October, 1951. The resolutions which were passed by the workmen have not been produced and we do not know what those resolution were. From the replies to resolution No. 8 it appears that there may have been some resolution regarding giving of leave and the management have said that a draft legislation for a new Mines Act was before the Parliament and that when it was passed, the management would give paid holidays according to the terms thereof and in the meantime, the company's rules for paid holidays would remain in force. This does not in any way show that the holidays were given in lieu of leave. There are some other documents also on record but they are of a date after a dispute arose between the parties regarding the interpretation of the new Mines Act. Each party has tried to put its own interpretation on the Act and it is not necessary to refer to these documents.

16. The above documents of dates prior to the passing of the new Mines Act clearly support the Union's contention that holidays were given to the workmen to celebrate festival days. There is no letter mentioning that the days were given for leave or that they were meant to be used in lieu of leave.

17. I may also here point out that in the written statement, the management when alleging that ten days were being given by way of leave with wages, also mentioned that "the company if necessary will submit the various notices for such leave from 1948". By implication, the management meant that the notices also showed that the ten days were being given by way of leave and not by way of holidays. Not only no such notice has been produced even when other documents were produced after the hearing had closed, but a notice which is produced by the Union in respect of holidays for 1952 clearly shows that these ten days were given by way of holidays and not by way of leave.

18. It may also be noted that if the management had actually agreed to give ten days leave per year to the workmen, it is improbable that the workmen should ask for the leave being enjoyed on particular fixed days in the year. If a person is entitled to leave, he can claim it on any day or days he likes. If the days are not fixed, he could have claimed to have remained absent on these very days or on any other days that would suit him. He could also claim more days at one time. Thus the fixing of particular days was against the interests of the workmen. It is improbable that they should have said that ten days leave should be given on ten festival holidays to be fixed in the beginning of the year.

19. On the whole, I am of the view that the ten off days which were given by the Birmiltrapur mines were given as festival holidays and not as leave. That being so, the provision for leave made in the Mines Act does not in any way affect the ten holidays which were being given to the workmen. I would therefore hold that the workmen are entitled to ten days holidays per annum with wages on festival days as before, in addition to the leave with pay admissible to them under the provisions of the Mines Act.

20. Coming to the case of Bara Jamda mines, the case of the workmen as put up at the time of hearing was somewhat different from the case pleaded in the written statement. In the written statement, it was alleged that the workmen were given six festival holidays by the management every year. At the hearing, Mr. Paliwal Exhibit 35, who is the Vice-President of the Union, stated that the workmen of these mines were being given ten festival holidays per year from before 1948. Admittedly he had no connection with this mine before 1948. He however says that when he joined the union of this mine in 1948, he learnt that the workmen were getting ten festival holidays per year. On the other hand, the written statement of the Union filed in this case at Exhibit 11 is signed by Mr. N. K. Bose who is the General Secretary of the Union. Mr. Paliwal has admitted that Mr. N. K. Bose has been working in the Bara Jamda mine since 1940. He has further said that if it is stated in the written statement that the workmen were being given six festival holidays, it is a mistake. I cannot accept this evidence or contention of Mr. Paliwal. The written statement is a solemn document signed by a responsible officer of the union who has been connected with it since 1940 while Mr. Paliwal came on the scene only in 1948. Mr. Paliwal's headquarters are at Gua which is about 26 miles from Bara Jamda and naturally his knowledge of the conditions of Bara Jamda would be limited. In the absence of any reliable evidence, I cannot accept his allegation which is in contravention of the written statement. I therefore do not believe that the workmen were being given ten holidays per year.

21. Thus the workmen's case must be taken to mean that they were being given six festival holidays every year. On the other hand, the management's case is that they used to grant leave with pay to the workmen on certain days in a year which varied between 4 to 5 per year. They further say that each request for leave was considered on its merits and was the subject of a different sanction. In his evidence Mr. Marcheselli who has been examined on behalf of the management has stated that before 1950 they were not giving any leave or holiday to any worker but thereafter the union occasionally approached the management with a request to grant a particular festival holiday with pay to the workmen and this request was considered and granted in fit cases. According to the written statement of the management, they have stated that for three or four years prior to the promulgation of Mines Act 1952, the company used to grant leave with pay to the workmen. This would mean that this leave, as the management calls it, was being granted from about 1948 and not after 1950 as alleged by Mr. Marcheselli.

22. The number of such days was 4 or 5 per year according to the written statement of the management and six per year according to the written statement of the Union. The management could have produced definite evidence to show as to what the total number of off days given in these particular year was. A statement has been sent by the management (after the hearing of the case had closed) at serial No. 1 showing that only one day namely 15th August was given as a holiday in the years 1947, 1948 and 1949 and that three days as holidays were given in 1950, five in 1951, and 1952 and four in 1953 and 1954 (upto June). It may be noted that the Independence Day in 1954 fell on a Sunday and was not included in the list of holidays produced by the management. There is no evidence in support of the list produced by the management, which, as I said above, was produced after the hearing in the case was over. As I pointed out above, even according to the written statement, the workmen were given four to five days off days every year for 3 to 4 years before the promulgation of the

Mines Act 1952, whereas according to the list, only three days were given in 1950 and one day in 1947, 1948 and 1949. The union has also not led any evidence to show that the number of holidays which were being given to them per year was six as alleged in the written statement. In view of the unsatisfactory evidence, I would hold that the workmen were being given five paid holidays every year from about 1948 and they should continue to be given the same in addition to the leave provided for by the new Mines Act.

23. I may then mention that so far as the Bara Jamda mine is concerned, the management have also produced some letters from the union making requests for being given holidays on particular days. In some cases, the request was granted and in some cases it was not granted. In any case, the fact remains that the workmen were being given four or five holidays per year by the management and for the reasons already discussed above when considering the case of Birmitrapur mines, I would hold that the days were given as festival holidays and not as leave.

24. It was contended on behalf of the management that giving of paid holidays and also leave as provided in the Mines Act would put a heavy burden on the company. Mr. Marcheselli in his evidence has stated that giving of ten festival holidays with pay in a year would cost Rs. 79,000 to the Birmitrapur mines and Rs. 45,000 to the Bara Jamda mines. He has also said that they were selling their ores to the different concerns at rates which were fixed for 20 to 25 years. The amount of expenditure by itself would not be sufficient to show whether giving of these holidays would put a heavy strain on the company or not. The relevant question would be as to what profits the companies are making and how far the profits would be reduced by the expenditure involved in giving paid holidays. If the management had produced their balance sheets, the Tribunal could have been seen whether the above expenditure would put such a heavy burden on them, so as not to justify giving of paid holidays. An adverse inference must be drawn against them for not producing the balance sheets and not presenting before the Tribunal the true state of their financial affairs. The companies may have been making huge profits and may be having huge reserves. They have already been giving ten holidays with pay and the giving of leave is now made compulsory by Statute. It would only mean that because giving of leave is made compulsory, the management wants to curtail the number of holidays being given by them. It was upto them to have produced definite evidence to justify this. They have not done so.

25. Regarding Bara Jamda mines, the workmen urged that they should also be given ten paid holidays. I have held about that they were being given five paid holidays and no materials have been placed before me to justify an increase in that number. It is true that in the Birmitrapur mines, the workmen are being given ten holidays; but the Birmitrapur mines are not near Bara Jamda mines. In the mines close to Bara Jamda, probably no holidays are being given. In my opinion, no increase in the number of holidays is justified.

26. The result is that the workmen of the Birmitrapur mines are entitled to ten days as festival holidays with pay per year and the workmen of the Bara Jamda are entitled to five days as festival holidays with pay per year and that in both cases, these holidays should be in addition to the leave admissible to them under the provisions of the Mines Act, 1952.

I pass my award accordingly.

(Sd.) L. P. Dave, *Chairman,*

The 27th November, 1954.

Central Govt. Industrial Tribunal, Dhanbad.

[No. LR.4(384)/53.]

P. S. EASWARAN, Under Secy.

New Delhi, the 9th December 1954

S.R.O. 3599.—Whereas in pursuance of clause (a) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government appointed in the Notification of the Ministry of Labour No. S.R.O. 2089, dated the 21st June 1954, as subsequently amended, a Committee to hold enquiries and advise the Central Government in fixing minimum rates of wages for the first time under the said Act in respect of the scheduled employments carried on by or under the authority of the Central Government and specified in Part I of the Schedule to the said Act;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with section 4 and sub-section (2) of section 5, of the said Act, the Central Government, after considering the advice of the said Committee, hereby fixes the minimum rates of wages payable to the classes of employees specified in the Annexure and employed by the Central Public Works Department on road construction or in building operations and directs that this notification shall come into force on and from the date of its publication in the *Gazette of India*.

ANNEXURE

Monthly-rated staff

Serial No.	Class of employees	Minimum basic rates of Wages
		Rs.
1	Tally Clerk	45
2	Mate	35
3	Pump Driver—	
	Grade I	60
	Grade II	40
	Grade III	35
4	Pump Attendant	30
5	Concrete Mixture Mixe	60
6	Stone Crusher Driver	60
7	Fireman of the Steam Roller	35

NOTE.—The cost of living allowance will be admissible in accordance with the orders contained in the Ministry of Finance Office Memorandum No. F.4(4)-Est(Spl)/47, dated the 29th July 1947, as in force for the time being.

[No. LWI-74(4)54.]

S.R.O. 3600.—Whereas in pursuance of clause (a) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government appointed in the notification of the Ministry of Labour, No. S.R.O. 2089, dated the 21st June 1954, as subsequently amended, a Committee to hold enquiries and advise the Central Government in fixing the minimum rates of wages for the first time under the said Act in respect of the scheduled employments carried on by or under the authority of the Central Government and specified in Part I of the Schedule to the said Act;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 3, read with section 4 and sub-section (2) of section 5, of the said Act, the Central Government, after considering the advice of the said Committee, hereby fixes the minimum rates of wages payable to the classes of employees specified in the Annexure and employed by the Central Public Works Department on road construction or in building operations within the State of

Delhi and directs that this notification shall come into force on and from the date of its publication in the *Gazette of India*.

ANNEXURE

Class of employees	All inclusive minimum rates of wages per day
	Rs.
1. Tracter/Bull Dozer Driver	5
2. Cleaner	2

[No. LWI-72(4) 54.]

S.R.O. 3601.—Whereas in pursuance of clause (a) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government appointed in the notification of the Ministry of Labour, No. S.R.O. 2089, dated the 21st June 1954, as subsequently amended, a committee to hold enquiries and advise the Central Government in fixing minimum rates of wages for the first time under the said Act in respect of the scheduled employments carried on by or under the authority of the Central Government and specified in Part I of the Schedule to the said Act;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with section 4 and sub-section (2) of section 5, of the said Act, the Central Government, after considering the advice of the said Committee hereby fixes the minimum rates of wages payable to the classes of employees specified in the Annexure and employed by the Central Public Works Department on road construction, or in building operations or in stone breaking or stone crushing, and directs that this notification shall come into force on and from the date of its publication in the *Gazette of India*.

ANNEXURE

All inclusive Minimum Wages per Day

Sl. No.	Class of employees	Delhi	Bombay	Madras	West Bengal	Assam	Bihar	East Punjab	Uttar Pradesh	Madhya Bharat	Madhya Pradesh	Travancore-Cochin	Hyderabad
1	2	3	4	5	6	7	8	9	10	11	12	13	14
		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1	Sweepers	1 12 0	2 0 0	1 8 0	1 8 0	1 8 0	1 8 0	1 12 0	1 12 0	1 8 0	1 8 0	1 8 0	1 8 0
2	Surveyors	4 0 0	4 8 0	3 8 0	3 8 0	3 8 0	3 8 0	4 0 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0
3	Asst. Surveyors.	3 0 0	3 4 0	2 12 0	2 12 0	2 12 0	2 12 0	3 0 0	3 0 0	2 12 0	2 12 0	2 12 0	2 12 0
4	Store keepers Grade I.	4 0 0	4 8 0	3 8 0	3 8 6	3 8 0	3 8 0	4 0 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0
5	Store-keepers Grade II.	3 0 0	3 4 0	2 12 0	2 12 0	2 12 0	3 0 0	3 0 0	2 12 0	2 12 0	2 12 0	2 12 0	2 12 0
6	Time-keepers or Munshies (Metric).	3 8 0	3 12 0	3 4 0	3 4 0	3 4 0	3 4 0	3 8 0	3 8 0	3 4 0	3 4 0	3 4 0	3 4 0
7	Time-keepers or Munshi Non-Metric).	3 0 0	3 4 0	2 12 0	2 12 0	2 12 0	2 12 0	3 0 0	3 0 0	2 12 0	2 12 0	2 12 0	2 12 0
8	Road Roller Mechanic Grade I.	4 0 0	4 8 0	3 12 0	3 12 0	3 12 0	3 12 0	4 0 0	4 0 0	3 12 0	3 12 0	3 12 0	3 12 0
9	Road Roller Mechanic Grade II	3 0 0	3 8 0	2 12 0	2 12 0	2 12 0	2 12 0	3 0 0	3 0 0	2 12 0	2 12 0	2 12 0	2 12 0
10	Stocker & Boiler men	2 8 0	3 0 0	2 4 0	2 4 0	2 4 0	2 4 0	2 8 0	2 8 0	2 4 0	2 4 0	2 4 0	2 4 0
11	Road Roller Driver.	4 0 0	4 8 0	3 8 0	3 8 0	3 8 0	3 8 0	4 0 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0
12	Armature Winder Grade I.	4 0 0	4 8 0	3 8 0	3 8 0	3 8 0	3 8 0	4 0 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0
13	Armature Winder Grade II	3 0 0	3 8 0	2 8 0	2 8 0	2 8 0	2 8 0	3 0 0	3 0 0	2 8 0	2 8 0	2 8 0	2 8 0
14	Wiremen Grade I.	4 0 0	4 8 0	3 8 0	3 8 0	3 8 0	3 8 0	4 0 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0

15	Wireman Grade II	3 0 0	3 8 0	2 8 0	2 8 0	2 8 0	2 8 0	3 0 0	3 0 0	2 8 0	2 8 0	2 8 0	2 8 0
16	Electrician Grade I.	4 0 0	4 8 0	3 8 0	3 8 0	3 8 0	3 8 0	4 0 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0
17	Electrician Grade II	3 0 0	4 0 0	2 8 0	2 8 0	2 8 0	2 8 0	3 8 0	3 8 0	2 8 0	2 8 0	2 8 0	2 8 0
18	Cable Joint- ers.	4 8 0	5 0 0	4 0 0	4 0 0	4 0 0	4 0 0	4 8 0	4 8 0	4 0 0	4 0 0	4 0 0	4 0 0
19	Diesel Engine Driver.	4 0 0	4 8 0	3 8 0	3 8 0	3 8 0	3 8 0	4 0 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0
20	Lorry Drivers Grade I.	4 0 0	4 8 0	3 8 0	3 8 0	3 8 0	3 8 0	3 8 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0
21	Lorry Driver Grade II	3 0 0	3 8 0	2 8 0	2 8 0	2 8 0	2 8 0	3 0 0	3 0 0	2 8 0	2 8 0	2 8 0	2 8 0
22	Carpenters (1) Softwood work join- ery work per S. ft.	0 8 0	0 9 0	0 7 0	0 7 0	0 7 0	0 7 0	0 8 0	0 8 0	0 7 0	0 7 0	0 7 0	0 7 0
	(2) Teak- wood work joinery per S. ft.	0 10 0	0 11 0	0 9 0	0 9 0	0 9 0	0 9 0	0 10 0	0 10 0	0 9 0	0 9 0	0 9 0	0 9 0
23	Black Smiths Reinforce- ment per Cwt.	1 4 0	1 6 0	1 2 0	1 2 0	1 2 0	1 2 0	1 4 0	1 4 0	1 2 0	1 2 0	1 2 0	1 2 0
	Hot Works per Cwt.	4 0 0	4 8 0	3 8 0	3 8 0	3 8 0	3 8 0	4 0 0	4 0 0	3 8 0	3 8 0	3 8 0	3 8 0

[LWI 72(4)'54.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 13th December 1954

S.R.O. 3602.—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 2155, dated the 16th November 1953, namely:—

In the said notification, under the heading "(Nominated by the State Governments of Part 'A' and Part 'B' States under clause (d) of section 4)", for item No. 20, the following item shall be substituted, namely:—

"20. Shri S. S. Joshi, Commissioner of Labour, Madhya Bharat, Gwalior".

[No. SS.121(89).]

K. N. NAMBIAR, Under Secy.

MINISTRY OF STATES

New Delhi, the 15th December 1954

S.R.O. 3603.—In exercise of the powers conferred by Section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Tripura, the West Bengal Fire Services Act, 1950 (West Bengal Act XVIII of 1950), as in force at the date of this notification in the State of West Bengal, subject to the following modifications, namely:—

Modifications.

Throughout the Act except as otherwise provided,

(1) for the words 'State Government' wherever they occur the words 'Chief Commissioner of Tripura' shall be substituted.

(2) for sub-section (2) of section 1, the following shall be substituted, namely:—

'(2) It extends to the whole of Tripura.'

(3) in section 2—

(i) clause (a) shall be omitted;

(ii) for clause (b) the following clause shall be substituted, namely:—

"(b) 'the Collector' means the District Collector of Tripura;" and

(iii) for clause (c) the following clause shall be substituted, namely:—

"(c) 'the Commissioner' in relation to the Collector means the Chief Commissioner of Tripura."

(iv) in clause (i) the words 'Presidency Magistrate or' shall be omitted.

(4) for sub-section (1) of section 10 the following sub-section shall be substituted, namely:—

"The power of granting a license under section 9 shall be exercised in respect of Agartala by the Director and in respect of any other area by the Sub-divisional Magistrate in whose jurisdiction such area lies."

(5) In section 14, clause (a) of the proviso shall be omitted.

(6) In section 23—

(i) for sub-section (1) the following sub-section shall be substituted, namely:—

'(1) The Chief Commissioner of Tripura may, by general or special order, published in the Official Gazette, order that such of the powers, duties and functions of the Collector under this Act, he may specify in this behalf, shall be exercised and performed by the Commissioners of the Municipality concerned through their Chairman and in that case the Commissioners of the Municipality concerned shall comply with such order'; and

(ii) in sub-section (2) the words 'the Corporation of Calcutta or' shall be omitted.

(7) In section 34—

- (i) for sub-section (1) the following sub-section shall be substituted, namely:—

‘(1) If the Commissioners of a Municipality fail to make any payment as required under sub-section (2) of section 23, the Chief Commissioner of Tripura may attach the Municipal fund of the Commissioners of the Municipality or any portion thereof; and

- (ii) for sub-section (2) the following sub-section shall be substituted, namely:—

‘(2) After such attachment, no person except an officer appointed in this behalf by the Chief Commissioner of Tripura shall, in any way deal with the attached fund or portion thereof; but such officer may do all acts in respect thereof which the Commissioners of the Municipality or any Municipal Officer or servant might have done, if such attachment had not taken place, and may, apply the proceeds in satisfaction of the arrear and of all expenses caused by the attachment and subsequent proceedings;

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously pledged in accordance with law, but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the arrear due to the Government of Tripura.

(8) In section 37B—

- (a) in sub-section (1) the words ‘the Corporation of Calcutta or’ shall be omitted; and

- (b) in sub-section (2) the words ‘Corporation of Calcutta and the’ shall be omitted.

(9) Sections 38 and 39 shall be omitted.

(10) Section 40 shall be renumbered as section 38 and in section 38 as renumbered, in clause (f) of sub-section (2) the words ‘Corporation of Calcutta or’ shall be omitted.

(11) In the Schedule—

- (i) in the beginning, after the words ‘the West Bengal Fire Service Act, 1950’ the following words shall be inserted, namely:—
-
- ‘as extended to Tripura.’ and

- (ii) the words ‘Collector of Stamp Revenue, Calcutta’ and ‘Executive Officer of the Corporation of Calcutta’ shall be omitted.

ANNEXURE

The West Bengal Fire Services Act, 1950 as amended by this notification.

WEST BENGAL ACT XVIII OF 1950

THE WEST BENGAL FIRE SERVICES ACT, 1950¹.

(As modified up to the 1st May, 1953)

[30th March, 1950.]

An Act to provide for the maintenance of a fire brigade, for the licensing of warehouses and for certain other matters.

WHEREAS it is expedient to provide for the maintenance of a fire brigade, for the licensing of warehouses and for certain other matters;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the West Bengal Fire Services Act, 1950.

(2) It extends to the whole of Tripura.

¹For Statement of Objects and Reasons see the *Calcutta Gazette, Extraordinary*, dated the 17th February, 1950, pages 213 to 223, for the proceedings of the meetings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 28th February 1950.

(3) It shall come into force in such local areas and on such dates¹ as the Chief Commissioner of Tripura may, by notification from time to time in the *Official Gazette*, direct; and the Chief Commissioner of Tripura may by like notification withdraw this Act from any such local area.

2. *Definitions*.—In this Act, unless there is anything repugnant in the subject or context,—

(a) [Omitted.]

(b) “the Collector” means the District Collector of Tripura;

(c) “the Commissioner” in relation to the Collector means the Chief Commissioner of Tripura;

(d) “cotton” means loose raw cotton;

(e) “Director” means the Director of Fire Services appointed by the Chief Commissioner of Tripura;

(f) “the fire brigade” means the fire brigade maintained by the Chief Commissioner of Tripura under section 3;

(g) “fire-fighting appliances” mean fire-engines, fire-escapes, accoutrements, equipments, tools, implements and things whatsoever used for fire-fighting and include motor cars, motor cycles, trailers and other means of transport;

(h) “jute” means raw jute, either loose or in drums, and loose jute cuttings and rejections;

(i) “Magistrate” means a Magistrate of the First Class;

(j) “person” includes an undivided Hindu family, and a firm or company or association of individuals whether incorporated or not;

(k) “prescribed” means prescribed by rules made by the Chief Commissioner of Tripura under this Act;

(l) “warehouse” means any building or place used whether temporarily or permanently for the storing or pressing or keeping of jute, gunny bags, cotton, hemp, resin, shellac, varnish, bitumen, pitch, tar, tallow, celluloid, wood (excluding furniture kept in the building or place for ordinary use), charcoal, coal, straw, hay, *ulu grass*, *golpata*, *hogla*, *durma*, ray rattan canes, cocoanut fibre, waste paper, packing boxes, inflammable chemicals or any other article which in the opinion of the Chief Commissioner of Tripura is inflammable and is specified by the Chief Commissioner of Tripura by notification in the *Official Gazette* for the purpose of this clause;

¹This Act came into force on the 18th day of April, 1950, in the following local areas, namely:—

(1) Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923. (2) The Municipality of Garden Reach. (3) The Municipality of Budge Budge. (4) The Municipality of Barrackpore. (5) The Municipality of North Barrackpore. (6) The Municipality of Bhatpara. (7) The Municipality of Naihati. (8) The Municipality of Kanchrapara. (9) The Municipality of Panihati. (10) The Municipality of Halisahar. (11) The Municipality of Garulia. (12) The Municipality of Titagarh. (13) The Municipality of Khardah. (14) The Municipality of Kamarhati. (15) The Municipality of North Dum Dum. (16) The Municipality of South Dum Dum. (17) The Municipality of Dum Dum. (18) The Municipality of Baranagar. (19) The Municipality of Tollygunj. (20) The Municipality of South Suburban. (21) The Municipality of Howrah. (22) The Municipality of Bally. (23) The Municipality of Uttarpara. (24) Municipality of Hooghly-Chinsurah. (27) The Municipality of Bhadreswar. (28) The Municipality of Bansberia. (29) The Municipality of Champdani. (30) The Municipality of Baidyabati. (31) The Municipality of Rishra. (32) The Municipality of Kotrung. (33) The Municipality of Raniganj. (34) The Municipality of Asansol. (35) The Municipality of Burdwan. (36) The Municipality of Jalpaiguri. (37) The Municipality of Siliguri.

(Vide notification No. L.S.-G.1A-1/50, dated the 18th April, 1950, published in the *Calcutta Gazette*, Extraordinary, of 1950, Part I, pages 493-494.)

This Act came into force on the 1st day of August, 1950, in the following local area, namely, *mauza* Lilloah, jurisdiction list No. 12, thana Bally, district Howrah (vide notification No. L.S.-G.1A-9/50, dated the 19th July, 1950, published in the *Calcutta Gazette* of 1950, Part I, page 1495).

¹(m) "workshop" means any building or place where the processing of any article is carried on for purposes of trade or business, if such processing of such article is declared by the Chief Commissioner of Tripura by notification in the *Official Gazette* in this behalf to be attended with the risk of fire.

Explanation.—The expression "processing" means making, altering, repairing, treating or otherwise dealing with any article by means of steam, electricity or other mechanical power.

CHAPTER II

FIRE BRIGADE

3. *Fire brigade to be maintained.*—The Chief Commissioner of Tripura shall maintain a fire brigade for services in the local areas in which this Act is in force.

4. *Power of Chief Commissioner of Tripura to make orders with respect to the fire brigade.*—The Chief Commissioner of Tripura may from time to time make such general or special orders as it thinks fit—

for furnishing the fire brigade with such fire-fighting appliances as it deems proper;

for building or providing stations, or hiring places, for accommodating the members of the fire brigade and keeping its fire-fighting appliances;

for giving ²[rewards] to persons who have given notice of fires and to those who have rendered effective service to the fire brigade on the occasion of fires;

for the training, discipline and good conduct of the members of the fire brigade;

for the speedy attendance of members of the fire brigade with necessary fire-fighting appliances on the occasion of any alarm of fire;

for sending the members of the fire brigade with necessary fire-fighting appliances, beyond the limits of any local area in which this Act is in force, in order to extinguish fire in the neighbourhood of such limits on such terms and conditions as it deems proper;

for the employment of the members of the fire brigade with necessary fire-fighting appliances, in work other than extinguishing fire, on such terms and conditions as it deems proper;

for enforcing discipline and imposing punishment on any member of the fire brigade who may infringe orders;

for regulating and controlling the powers, duties and functions of the Director; and

generally, for the maintenance of the fire brigade in a due state of efficiency.

³4A. *Fees payable for extinguishing fire in areas where the Act is not in force.*—(1) Where members of the fire brigade are sent beyond the limits of any local area in which this Act is in force, in order to extinguish fire in a warehouse or a workshop in the neighbourhood of such limits, the occupier of the warehouse or the workshop shall be liable to pay such fee as may be prescribed in this behalf.

(2) The fee referred to in sub-section (1) shall be payable within one month of the service of a notice of demand by the Director on the occupier and if it is not paid within such period, it shall be recoverable as a public demand.

¹This clause (m) was added by the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951), s. 2.

²This word within square brackets was substituted for the word "gratuities" by s. 3, *ibid.*

³This new section was inserted by s. 4, *ibid.*

5. *Powers exercisable on the occasion of a fire.*—(1) On the occasion of a fire, the Director or the officer in charge of the members of the fire brigade on the spot, may—

- (a) remove or may order any member of the fire brigade to remove, any persons who by their presence interfere with the due operations of the fire brigade;
- (b) by himself or by members of the fire brigade, break into or through, or pull down, any premises for the purpose of putting an end to the fire, doing as little damage as possible;
- (c) cause the mains and pipes of any area to be shut off so as to give greater pressure of water in the place where the fire has occurred;
- (d) exercise the same powers for dispersing any assembly of persons likely to obstruct the operation of the fire brigade, as if he were an officer in charge of a police-station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers; and
- (e) generally take such measures as may appear necessary for the preservation of life and property.

(2) The Director or the officer in charge of the members of the fire brigade on the spot, may verbally nominate and depute one or more member or members of the fire brigade to act at a distance; and such member or members shall have for the time being the like powers as the Director or such officer himself possesses under this section.

6. *Police-officers to aid the fire brigade in execution of its duties.*—Police-officers of all grades shall be authorised and bound to aid the fire brigade in the execution of its duties. They may close any street in or near which a fire is burning; and they may, on their own motion or on the request of the Director or any member of the fire brigade, remove any persons who interfere by their presence with the operations of the fire brigade.

7. *Non-liability of police-officer, etc., to damages.*—No officer of the police and no member of the fire brigade shall be held liable to damages on account of any act done by him in the bona fide belief that such act was required for the proper execution of his duties.

8. *Enquiry into origin of fire and report to Magistrate.*—(1) In the case of any fire occurring within any local area in which this Act is in force, the seniormost officer in rank among the members of the fire brigade in that local area¹[or where members of the fire brigade are sent beyond the limits of any local area in which this Act is in force to extinguish fire in the neighbourhood of such limits, the seniormost officer in rank among the members so sent], shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred; and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

(2) Copies of all reports and of all evidence recorded under this section shall be furnished on application to any Fire Assurance Company or other person interested, on payment of the fees payable for the copies of judicial proceedings.

CHAPTER III

FIRE-WORKS, ETC.

9. *License for letting off rockets, etc.*—No person shall let off rockets or send up fire-balloons, or sell fire-works within any local area in which this Act is in force, without a license. A license for letting off rockets or sending up fire balloons shall indicate the place from where the rockets are to be let off or the fire-balloons sent up.

¹These words within square brackets were inserted by the West Bengal Fire Services (Amendment) Act, 1951 (West Bengal Act XXVII of 1951), s. 5.

¹10. (1) *Who may grant license; fee for license.*—The power of granting a license under Section 9 shall be exercised in respect of Agartala by the Director and in respect of any other area by the Sub-Divisional Magistrate in whose jurisdiction such area lies.

(2) (a) The fee for a license to let off rockets or to send up fire-balloons for any particular occasion shall be one rupee.

(b) The annual fee for a license to sell fire-works shall be ten rupees payable in advance.

11. *Power to withdraw or suspend license.*—A license granted under section 9 may be withdrawn or suspended by the authority who granted it, at his discretion:

Provided that a license to sell fire-works shall not be withdrawn or suspended except after thirty days' notice.

CHAPTER IV

LICENSED WAREHOUSES

12. *License for warehouse or workshop.*—No building or place shall be used as a warehouse ²[or as a workshop] unless the owner or occupier thereof shall have previously obtained under this Act, a license for such use from the Collector.

13. *Conditions to which a building or place is to conform before issue of license.*—No license to use any building or place as a warehouse ³[or as a workshop] shall be granted unless such building or place conforms to such conditions as may be prescribed.

⁴14. *License of building or place already used as warehouse or workshop.*—The owner or occupier of any building or place which was being used as a warehouse or workshop immediately before the date on which this Act comes into force in the local area within which such building or place is situated and the owner or occupier of any building or place situated within any local area in which the Act is in force, which was being used as a workshop immediately before the date of publication of the notification under clause (m) of section 2 by which such building or place comes under the definition of workshop in the said clause shall, upon application made in writing to the Collector within one month from the date on which this Act comes into force in the said local area or from the date of publication of the said notification, as the case may be, be entitled to obtain a license to use such building or place as a warehouse or workshop under this Act, subject to the payment of the annual fee referred to in section 18:

Provided that—

(a) [Omitted.]

(b) in case the owner or occupier has obtained a license for a building or place used as a warehouse before the commencement of the West Bengal Fire Services (Amendment) Act, 1951 (West Bengal Act XXVII of 1951), he shall submit with his first application made after the commencement of the said Act for renewal of his license under sub-section (3) of section 15 a plan in duplicate prepared in accordance with the provisions of sub-section (1) of section 15 of such building or place;

¹[This section was substituted for the original section by s. 6, the West Bengal Fire Services (Amendment) Act, 1951 (West Bengal Act XXVII of 1951).]

²These words within square brackets were inserted by s. 7, *ibid.*

³These words within square brackets were inserted by s. 8, *ibid.*

⁴This section was substituted for the original section by s. 9, *ibid.*

- (c) if the owner or occupier of such building or place already holds a license for use thereof as a warehouse under the Licensed Warehouse and Fire Brigade Act, 1893 (Bengal Act I of 1893), he shall be entitled to deduct the proportionate amount already paid by him for the unexpired portion of such license from such annual fees;
- (d) if such building or place does not conform to the conditions prescribed under section 13 the owner or occupier shall within three months of obtaining the license for use thereof as a warehouse or workshop under this Act, effect necessary changes to conform to such conditions and in the event of his failure to do so the license shall be liable to be cancelled by the Collector.

15. *License of new warehouse or workshop.*—(1) Save as provided in the last preceding section, every person proposing to use as a warehouse ¹[or as a workshop] any building or place situated within any local area in which this Act is in force, shall apply to the Collector and shall submit with his application a plan in duplicate of such building or place prepared on a scale of eight feet to an inch, showing—

- (a) the boundaries of such building or place;
- (b) the position of the engines and furnaces used or proposed to be used in the warehouse ²[or in the workshop]; and
- (c) the space which has been reserved for the loading and unloading of carts and other vehicles or conveyance thereat.

⁴(2) Upon such application as aforesaid being made, the Collector shall refer the case to the Director and shall grant or refuse the license as may be recommended by the Director.

(3) Every license granted under section 14 or under sub-section (2) shall be required to be renewed annually; applications for renewal shall be made to the Collector, ⁴[who shall refer the case to the Director and the Collector shall grant or refuse renewal as may be recommended by the Director.]

⁶(3a) When a license is granted under this section or on application under section 14 accompanied by a plan in duplicate of such building or place or when a license is renewed on application submitted with a plan in duplicate under proviso (b) to section 14, a copy of the plan authenticated by the Collector in the manner prescribed shall be returned to the licensee.

(4) Where a license or renewal of a license is refused, the Collector shall record in writing the reasons for such refusal.

(5) An appeal shall lie to the Commissioner from an order refusing a license or the renewal of a license.

16. *Period for disposal of application for license.*—Every application for a license under section 14 or under section 15 shall be disposed of within thirty days from the date of its receipt by the Collector and if it is not disposed of within that period, the applicant shall not be liable to any penalties under this Act, for the use as a warehouse ⁶[or as a workshop] of the building or place in respect of which the application was made, after the said period of thirty days, so long as such application is not refused by the Collector.

¹These words within square brackets were inserted by the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951), s. 10(a)(i).

²These words within square brackets were inserted by s. 10(a)(ii), *ibid.*

³This sub-section (2) was substituted for the original sub-section by s. 10(b), *ibid.*

⁴These words within square brackets were substituted for the words "who may in his discretion grant or refuse renewal" by s. 10(c), *ibid.*

This new sub-section (3a) was inserted by s. 10(d), *ibid.*

⁶These words within square brackets were inserted by s. 11, *ibid.*

17. *Conditions to which a license shall be subject.*—Licenses for a warehouse¹[or workshop] shall be subject to the following conditions² and such other conditions as may be prescribed in this behalf, namely:—

- (a) that the warehouse¹[or workshop] shall at all times be open to the inspection by such officer or officers, being member or members of a fire brigade as may be appointed by the Director;
- (b) that the warehouse¹[or workshop] shall conform to the conditions prescribed under section 13³;
- (c) that no article referred to in clause (l) of Section 2, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse¹ or workshop]; and
- (d) that no part of a warehouse used for pressing or screwing jute or cotton shall be used as a residence and that no person shall be allowed to bring into such warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within such warehouse, while jute or cotton is stored therein.

18. *Annual fee.*—(1) The annual fee in respect of a license for the use of any building or place as a warehouse³[or as a workshop] or for the renewal of such a license shall be payable in advance.

(2) The annual fee shall be calculated at such rate not being less than ten *per cent.* nor more than twenty-five *per cent.* of the annual value of the building or place used as a warehouse⁴[or as a workshop] as may be prescribed and different rates may be prescribed for different classes of warehouses according to the nature and quantity of the article stored, pressed or kept therein⁵[and for different classes of workshops according to the nature of the processing carried on or the quantity or nature of the articles processed therein];

Provided that the Chief Commissioner of Tripura may prescribe by rules a maximum for the annual fee in respect of any class of warehouses⁶[or workshops].

(3) For purposes of sub-section (2) the annual value of⁷[a building or place used as a warehouse or as a workshop] shall be deemed—

- (a) if it is situated within a municipality to be the annual value at which it is assessed for the payment of municipal taxes: ⁸[“ ”]

⁹[Provided that if such building or place forms part of any premises or holding assessed as a whole for the payment of municipal taxes, the annual value of such building or place shall be such as may be determined in this behalf by the Collector having regard to the annual value as assessed for the payment of municipal taxes of the premises or holding of which such building or place forms part; and]

- (b) if it is situated outside a municipality, to be seven and half *per cent.* of the current market value of the building (which expression shall in this section and elsewhere in this Act include any land appurtenant to the building) or place as determined by the Collector, subject to revision by the Commissioner, such revision being final.

¹These words within square brackets were inserted by the West Bengal Fire Services(Amendment) Act, 1951 (West Ben. Act XXVII of 1951), s. 12(a).

²These words within square brackets were inserted by s. 12(b), *ibid.*

³These words within square brackets were inserted by s. 13(a), *ibid.*

⁴These words within square brackets were inserted by s. 13(b)(i), *ibid.*

⁵These words within square brackets were added by s. 13(b)(ii), *ibid.*

⁶These words within square brackets were added by s. 13(b)(iii), *ibid.*

⁷These words within square brackets were substituted for the words “building or place used as a warehouse” by s. 13(c)(i), *ibid.*

⁸The word “and” was omitted by s. 13(c)(ii), *ibid.*

⁹This proviso within square brackets was added by s. 13(c)(iii), *ibid.*

19. *Change in occupation of warehouse or workshop to be notified.*—Whenever and so often as a change in the occupation of any warehouse ¹[or workshop] occurs, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Collector of such change of occupation, and shall thereupon pay a fee of ten rupees; and his name shall accordingly be substituted in the license in respect of the warehouse ¹[or workshop] for the name of the last occupier.

20. *Collector may apply to Magistrate for cancellation of license.*—(1) Whenever the Collector receives credible information that any condition to which the license of any warehouse ²[or workshop] is subject, has been broken by the holder thereof, the Collector shall communicate in writing the substance of such information to a Magistrate and the Magistrate may issue a summons upon the holder of the license to show cause why the license should not be cancelled or suspended and may suspend such license pending hearing of the case.

(2) The Magistrate shall not make the order suspending such license unless he is satisfied that it is necessary to prevent or obviate immediate danger or injury of a serious kind.

(3) The summons issued under this section shall be served upon the said holder of the license named therein in the manner provided in the Code of Criminal Procedure, 1898 (Act V of 1898), for the service of summons.

21. *Magistrate may cancel or suspend license.*—The Magistrate, before whom the case instituted under the last preceding section is brought on for disposal, may, if he be satisfied after taking the evidence that there exists reasonable and proper grounds for cancelling or suspending the license, cancel such license or may suspend the same, for such time as he may think fit and may impose such conditions as to the reversal of such order of cancellation or suspension as may be consistent with the provisions under this Act for the grant of a license for a warehouse ³[or workshop].

22. *Delegation of powers by Collector.*—The Collector may delegate any of his powers, duties and functions under this Chapter to any officer or officers subordinate to him.

23. *Power of State Government to direct delegation of powers.*—(1) the Chief Commissioner of Tripura may, by general or special order, published in the *Official Gazette*, order that such of the powers, duties and functions of the Collector under this Act, as he may specify in this behalf, shall be exercised and performed by Commissioners of the municipality concerned through their Chairman and in that case the Commissioners of the municipality concerned shall comply with such order; and

(IA) [Omitted.]

(2) Where, in pursuance of ⁴[an order under sub-section (1)], the Commissioners of a municipality realise any fees under this Act, such fees shall be paid to the Chief Commissioner of Tripura at such times and after making such deductions for the cost of collection and other incidental expenses therefrom as may be prescribed

⁵[CHAPTER IVA.

TEMPORARY STRUCTURES AND PANDALS.

23A. *Erection of temporary structures or pandals.*—(1) A person who intends to erect a temporary structure or *pandal* with roof or walls made of straw, hay, *ulu grass*, *golpata*, *hogla*, *darma*, mat canvas or other like material, for use as a place where members of the public may assemble, shall apply to the Director for

¹These words within square brackets were inserted by the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951), s. 14.

²These words within square brackets were inserted by s. 15, *ibid*.

³These words within square brackets were added by s. 16, *ibid*.

⁴These words, brackets and figure within square brackets were substituted for the words "such order" by the West Bengal Fire Services (Amendment) Act, 1950 (West Ben. Act XLIX of 1950), s. 2(b).

⁵This Chapter IVA containing section 23A was inserted by the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951), s. 17.

permission to erect such structure or *pandal* and such permission shall not be refused if the structure or *pandal* conforms to the conditions that may be prescribed in this behalf.

(2) No structure or *pandal* referred to in sub-section (1) shall be erected—

- (a) unless it conforms to the conditions referred to in sub-section (1); and
- (b) unless permission of the Director has been granted under sub-section (1):

Provided that where no order granting or refusing the permission is made within such period as may be prescribed in this behalf, the structure or *pandal* may be erected if it conforms to the conditions referred to in sub-section (1).

Explanation.—For the purpose of the above proviso, different periods may be prescribed for different kinds of structures and *pandals*.]

CHAPTER V

PENALTIES.

24. *Penalty for letting off rockets, etc.*—Any person who, within any local area in which this Act is in force, lets off rockets or sends up fire-balloons or sells fireworks without obtaining a license, shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees for every such offence.

25. *Penalty on house-holders for allowing rockets, etc., to let off without license.*—If any rockets are let off or fire-balloons sent up from within the precincts of any private premises or compound without a license, the owner or occupier or person under whose immediate control the premises or compound is shall, unless he can prove that the offence was committed without his knowledge, be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees.

26. *Penalty for not taking out a license for a warehouse or workshop.*—Any person who without a license uses any building or place as a warehouse ¹[or as a workshop] shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees for each day during which he may so use or continue to use such warehouse ²[or workshop].

27. *Penalty for using warehouse or workshop after refusal, etc., of license.*—Any person who uses any warehouse ³[or workshop] in respect of which a license has been refused, or after the license in respect thereof has been cancelled or during the time for which such license has been suspended, shall be punishable, on conviction before a Magistrate, with fine not exceeding four hundred rupees and to further fine not exceeding one hundred rupees for every day during which any such warehouse ³[or workshop] may be so used as aforesaid.

28. *Penalty for breach of conditions.*—Any holder of a license who breaks any of the conditions under which a license is held in respect of any warehouse ⁴[or workshop] shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees for any one such offence.

29. *Penalty for failing to notify change in occupation of warehouse.*—If and so often as there be a change in the occupation of any warehouse ⁵[or workshop], the person entering into occupation fails to give a notice and to pay the fees required by section 19 such person shall be punishable, on conviction before a Magistrate, with fine not exceeding twenty rupees for each day during which he may so use or continue to use such warehouse ⁵[or workshop].

30. *Penalty for giving false information to Collector respecting license.*—Any person who gives false information to the Collector or to any person performing or exercising powers, duties and functions of the Collector under this Act, with

¹These words within square brackets were inserted by the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVII of 1951), s. 18 (a).

²These words within square brackets were added by s. 18(b), *ibid*.

³These words within square brackets were inserted by s. 19, *ibid*.

⁴These words within square brackets were inserted by s. 20, *ibid*.

⁵These words within square brackets were inserted by s. 21, *ibid*.

the object of inducing him to take action under section 20 shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees.

31. *Penalty for using as residence of warehouse used for pressing jute or cotton.*—Any person who uses as a residence any portion of a warehouse used for pressing or screwing of jute or cotton if jute or cotton be then stored therein shall be punishable with fine not exceeding twenty rupees for each day during which he may reside therein.

32. *Penalty for using match-boxes, etc., in warehouse.*—Any person who brings into a warehouse used for the pressing or screwing of jute or cotton if jute or cotton be then stored or used therein, any match-boxes, match-sticks or any artificial light not duly and thoroughly protected, shall be punishable on conviction before a Magistrate, with fine not exceeding ¹[one hundred rupees] for any such offence.

33. *Penalty for smoking with'n warehouse.*—Any person who smokes within a warehouse used for the pressing or screwing of jute or cotton if jute or cotton be then stored therein shall be punishable, on conviction before a Magistrate, with fine not exceeding ²[one hundred rupees] for any one such offence.

33A. *Penalty for erecting structure, etc., in contravention of section 23A.*—Any person who erects any structure or pandal in contravention of the provisions of sub-section (2) of section 23A, shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees and to further fine not exceeding ten rupees for every day during which such contravention continues.

33B. *Penalty for obstructing persons exercising powers under section 37A.*—Any person who wilfully obstructs or offers any resistance to, or impedes or otherwise interferes with the Director or any officer exercising powers under section 37A or any assistant accompanying the Director or such officer while exercising such powers, shall be punishable, on conviction before a Magistrate with fine not exceeding one hundred rupees.

CHAPTER VI

MISCELLANEOUS

34. *Failure of Corporation or municipality to pay annual fees collected.*—(1) If the Commissioners of a municipality fail to make any payment as required under sub-section (2) of section 23, the Chief Commissioner of Tripura may attach the Municipal Fund of the Commissioners of the municipality or any portion thereof; and

(2) After such attachment, no person except an officer appointed in this behalf by the Chief Commissioner of Tripura shall in any way deal with the attached fund or portion thereof; but such officer may do all acts in respect thereof which the Commissioners of the municipality or any municipal officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the arrear due to the Government of Tripura.

35. *Police-officer may arrest offenders under section 24.*—(1) Any person committing an offence under section 24 may, if his name and address be unknown, be arrested by any officer of police and forthwith conveyed before a Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction in order that such person may be detained until he can be brought before a Magistrate or until he shall enter into a recognizance with or without sureties for his appearance before a Magistrate.

¹These words within square brackets were substituted for the words "twenty rupees" by the West Bengal Fire Services (Amendment) Act, 1951 (West Ben. Act XXVI of 1951), s. 22.

²These words within square brackets were substituted for the words "twenty rupees" by s. 23, *ibid*.

³This new section 33A, was inserted by s. 24, *ibid*.

⁴This section 33B was inserted by the West Bengal Fire Services (Amendment) Act, 1952 (West Ben. Act XI of 1952), s. 3.

(2) Whenever such person shall be taken to a police-station, the officer in charge of such station shall, as soon as possible, but in every case within twenty-four hours, cause him to be conveyed before a Magistrate having jurisdiction in the matter.

36. *Form of license under Chapter IV.*—Every license granted under Chapter IV of this Act shall, as far as possible, be in the form in the Schedule to this Act.

37. *Act not to apply where small quantities of inflammable articles are deposited.*—(1) Nothing in this Act shall be deemed to apply to buildings or places where small quantities of any of the articles referred to in clause (1) of section 2 are deposited.

(2) The Chief Commissioner of Tripura may from time to time declare by notification in the *Official Gazette* what quantities of the articles referred to in clause (1) of section 2 shall be deemed to be small quantities within the meaning of this section.

37A. *Power of entry, etc.*—(1) The Director or any officer not below the rank of a Station Officer authorised by the Director in this behalf, may enter into or upon any building or place, with or without assistants, in order to make any inspection, test, examination, survey, measurement, valuation or enquiry for the purpose of carrying into effect the provisions of this Act or of any rule made thereunder or to obtain information for fire-fighting purposes with respect to the character of the buildings and other property within the local jurisdiction, the available water-supplies and the means of access thereto and other material local circumstances, which in his opinion, it is necessary for any of the purposes or in pursuance of any of the provisions of this Act or any such rule to obtain;

Provided that—

- (a) no such entry shall be made between sun-set and sun-rise;
- (b) no dwelling-house and no public building or hut which is used as a dwelling place, shall be so entered, except with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;
- (c) notwithstanding any power to enter any building or place hereby conferred, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy need not be disturbed;
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the buildings or places entered.

(2) The Director or any officer referred to in sub-section (1) shall not use any force for the purpose of effecting any entry under sub-section (1) unless—

- (i) such entry cannot otherwise be effected; and
- (ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule made thereunder.

(3) Except when it is in this Act or in any rule made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1) or by the use of any necessary force under sub-section (2).

37B. *Power of Collector to call for information relating to annual valuation*—

(1) The Collector may call for all necessary information relating to the annual valuation of any building or place used as a warehouse or workshop from the Commissioners of a municipality in which this Act is in force, for the purpose of calculation of fees in respect of licenses under section 18.

¹This new section 37A was inserted by the West Bengal Fire Services (Amendment) Act, 1952 (West Bengal Act XI of 1952), s. 4.

²This new section 37B was inserted by the West Bengal Fire Services (Amendment) Act, 1952 (West Bengal Act XI of 1952), s. 4.

*This Schedule was substituted for the original Schedule by the West Bengal Fire Services (Amendment) Act, 1951 (West Bengal Act XXVII of 1951), s. 26.

subject to the conditions noted on the back and such other conditions as may be prescribed. It is hereby acknowledged that a sum of Rupees....., being the license fee due by the said..... for the period from..... to..... in respect of the aforesaid license at the rate of Rs per annum has been received.

.....
Name of owner.

.....
Name of occupier.

.....
Collector of the district of

.....
Chairman of the Commissioners
of Municipality of.....

The.....day of

- (a) Here insert the location.
- (b) Here insert the name of the article.

(On the back of the license.)

Conditions.

(1) The warehouse/the workshop shall at all times be open to inspection by such officer or officers, being member or members of the fire brigade as may be appointed by the Director of Fire Services.

(2) The warehouse/the workshop shall conform to the conditions prescribed under section 13 of the West Bengal Fire Services Act, 1950.

(3) No article referred to in clause (1) of section 2 of the West Bengal Fire Services Act, 1950, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse.

(4) (In case the warehouse is used for the pressing or screwing of jute or cotton.) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within the warehouse, while jute or cotton is stored therein.

[No. 137-J.]

J. C. GHOSAL, Under Secy.

MINISTRY OF REHABILITATION

ORDER

New Delhi, the 25th November 1954.

S.R.O. 3604.—In exercise of the power conferred by sub-section (1) of Section 19 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby orders that all cases in respect of the composite properties pending with the competent officer, Karnatak Division shall stand transferred to the Competent Officer, Bombay, with effect from the 1st October, 1954.

[No. 52(4)/52-Prop.I.]

K. J. GEORGE, Under Secy.

